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# SCHOOL LAWS

— OF —

WISCONSIN.

1870.



LIB 2529  
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1870

# LAWS OF WISCONSIN

RELATING TO

## COMMON SCHOOLS,

## NORMAL SCHOOLS,

AND THE

## STATE UNIVERSITY.



PREPARED AND PUBLISHED IN PURSUANCE OF LAW  
UNDER THE DIRECTION OF THE  
SUPERINTENDENT OF PUBLIC INSTRUCTION.

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MADISON, WIS.

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HIS VOLUME IS PUBLIC PROPERTY AND BELONGS TO THE SCHOOL DISTRICT TO WHICH IT IS SENT. IT IS TO BE KEPT BY THE DISTRICT CLERK, BUT MAY BE DELIVERED BY HIM TO ANY VOTER OF THE DISTRICT, TO BE RETAINED NOT EXCEEDING FIVE DAYS. IF AN ANNUAL, SPECIAL OR ADJOURNED MEETING IS TO TAKE PLACE WITHIN TEN DAYS, THIS BOOK MUST NOT BE LOANED TO ANY PERSON, BUT MUST BE RETAINED BY THE CLERK, AND PRODUCED BY HIM AT SUCH MEETING FOR CONSULTATION BY THE VOTERS.

WHEN SENT TO ANY SCHOOL OFFICER, HE HOLDS IT ONLY IN HIS OFFICIAL CAPACITY, AND IT MUST BE CAREFULLY PRESERVED AND HANDED OVER TO HIS SUCCESSOR IN OFFICE.



R. W. H. O. P. 12

# INTRODUCTION.

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This edition of the school laws of the state is prepared in accordance with the provisions of the following law :

*Chapter 107—General Laws of 1870.*

## AN ACT TO PROVIDE FOR THE PUBLICATION OF A NEW EDITION OF THE SCHOOL CODE.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Superintendent of Public Instruction is hereby authorized to procure the publication, in pamphlet form, of eight thousand copies of a school code containing all the school laws of this state, with necessary instructions and forms, and plans and designs for school houses; and, when printed, he shall furnish a copy to each town and school district clerk in the state.

SECTION 2. In addition to the copies above provided for, three hundred copies shall be printed on good book paper and bound in muslin, to be used in making exchanges with other states, and to supply county superintendents and the libraries of literary institutions in this state.

SECTION 3. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient for printing the code as above set forth: *provided*, that not more than one hundred and fifty dollars shall be used to pay for plans and designs for school houses.

The commentary, instructions and forms are mainly the same as those found in the code of 1867. The ground plans for country school houses are reproduced, and in addition perspective elevations of some of the best school buildings in the state are given. These range from the Oshkosh High School, which with grounds and furnishing cost sixty-five thousand dollars, to the fourth ward school house in Madison, which cost twelve thousand dollars exclusive of grounds. In another part of this volume will be found a more particular description of these edifices.

It is believed that the commentary and instructions are now so minute and complete that any school officer really desirous of ascer-

taining his duty and how to perform it can do so, and it is hoped that the number of communications to this department asking for information on points on which the law is so plain that an ordinary English scholar ought not to misunderstand it, will annually decrease. At the same time the state superintendent earnestly solicits suggestions from school officers and citizens generally in reference to any defects in the working of the law, and the amendments needed to perfect it. A carefully prepared bill, which harmonized conflicting sections and amended others, passed the assembly last winter, but failed in the senate on account of the strife over the Chippewa Dells Improvement matter. If it had become a law it would have added materially to the value of this code, and greatly benefited the people. It is hoped that the same or a similar bill will meet with a better fate next winter.

The greater portion of the labor of preparing this volume for the press has devolved upon my assistant, Rev. J. B. Pradt, whose faithful and valuable services I desire here gratefully to acknowledge.

A. J. CRAIG,  
*Superintendent of Public Instruction.*

# CONSTITUTIONAL PROVISIONS.

## *Article Tenth.*

### EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a state superintendent, and such other officers as the legislature may direct. The state superintendent shall be chosen by the qualified electors of the state, in such manner as the legislature shall provide; his powers, duties and compensation shall be prescribed by law; *provided*, that his compensation shall not exceed the sum of twelve hundred dollars annually.

SECTION 2. The proceeds of all lands that have been or hereafter may be granted by the United States to this state for educational purposes, (except the lands heretofore granted for the purposes of a University), and all moneys, and the clear proceeds of all property that may accrue to the state by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the state where the purposes of such grant are not specified, and the five hundred thousand acres of land to which the state is entitled by the provisions of an act of congress, entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, one thousand eight hundred and forty-one, and also the five *per centum* of the net proceeds of the public lands to which the state shall become entitled on her admission into the Union (if congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a separate fund, to be called the school fund, the interest of which, and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to wit:

1. To the support and maintenance of common schools, in each school district, and the purchase of suitable libraries and apparatus therefor.

2. The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.

SECTION 3. The legislature shall provide by law for the establishment of District Schools, which shall be as nearly uniform as

practicable, and such schools shall be free and without charge for tuition to all children between the age of four and twenty years ; and no sectarian instruction shall be allowed therein.

SECTION 4. Each town and city shall be required to raise, by tax, annually, for the support of common schools therein, a sum not less than one-half the amount received by such town or city respectively for school purposes, from the income of the school fund.

SECTION 5. Provision shall be made by law for the distribution of the income of the school fund among the several towns and cities of the state, for the support of common schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city or town, for the year in which said city or town shall fail to raise such tax, nor to any school district for the year in which a school shall not be maintained at least three months.

SECTION 6. Provision shall be made by law for the establishment of a state university, at or near the seat of state government, and for connecting with the same from time to time such colleges in different parts of the state as the interests of education may require. The proceeds of all lands that have been or may hereafter be granted by the United States to the state for the support of a University, shall be and remain a perpetual fund, to be called the "university fund," the interest of which shall be appropriated to the support of the state university ; and no sectarian instruction shall be allowed in such university.

SECTION 7. The secretary of state, treasurer and attorney General, shall constitute a board of commissioners for the sale of School and university lands, and for the investment of the funds arising therefrom. Any two of said commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

SECTION 8. Provision shall be made by law for the sale of all school and university lands after they shall have been appraised, and when any portion of such lands shall be sold, and the purchase money shall not be paid at the time of sale, the commissioners shall take security by mortgage upon the land sold for the sum remaining unpaid, with seven per cent. interest thereon, payable annually at the office of the treasurer. The commissioners shall be authorized to execute a good and sufficient conveyance to all purchasers of lands, and to discharge any mortgages taken as security when the sum due thereon shall have been paid. The commissioners shall have power to withhold from sale any portion of such lands when they shall deem it expedient, and shall invest all moneys arising from the sale of such lands, as well as all other university and school funds, in such manner as the legislature shall provide, and shall give such security for the faithful performance of their duties as may be required by law.

# GENERAL LAWS.

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## *Chapter 10—Revised Statutes.*

### THE STATE SUPERINTENDENT.

SECTION 59. There shall be elected at the next general election, and biennially thereafter, a state superintendent, whose term of office shall commence on the first day\* of January next succeeding his election, and continue for the term of two years, and until his successor is elected and qualified.

SECTION 60. The state superintendent shall, before he enters upon the duties of his office, take and subscribe an oath to support the constitution of the United States, and of the state of Wisconsin, and faithfully to discharge the duties of his office to the best of his ability, which oath shall be filed in the office of the secretary of state.

SECTION 61. The said superintendent shall receive for his services the sum of twelve hundred† dollars per annum, payable quarterly in advance, with his actual postage, and the necessary stationery for his office, payable quarter yearly out of the state treasury.

SECTION 62. He shall have a general supervision over the common schools in this state, and it shall be his duty, as far as practicable, to visit every county in this state, for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communication with school officers, teachers and parents, a knowledge of existing defects, and of desirable improvements in the government and instruction of the schools.

SECTION 63. It shall be his duty to recommend the introduction of the most approved text books, and as far as practicable to secure a uniformity in the use of text books in the common schools throughout the state; to discourage the use of sectarian books and sectarian instruction in the schools; to advise in the selection of books for school district libraries; and to open such correspondence abroad as may enable him to obtain, as far as practicable, information relative to the system of common schools, and its improvements in other states and countries, which he shall embody in his annual report to the legislature.

\* Changed to first Monday of January. See chapter 65, general laws of 1862.

† Chapter 203, laws of 1852.



SECTION 64. He shall prescribe rules and regulations for the management of school district libraries, and the penalties which shall be imposed by district boards for any violation of such rules and regulations; he shall prepare for the use of common school officers, suitable forms for making reports, and conducting all necessary proceedings, and shall cause the laws relating to common schools, with rules, regulations and forms aforesaid, and such instructions as he shall deem necessary, to be printed together, with a suitable index, in pamphlet form, by the person authorized to do the state printing, at the expense of the state; and he shall cause the same to be distributed among the several school districts and other officers having the care of common schools throughout the state.

SECTION 65. He shall examine and determine all appeals duly made to him from the decision of any school district meeting or from the decision of any \*town supervisors in forming or altering, or in refusing to form or alter any school district, or concerning any other matter under the common school law of this State, and his decision thereon shall be final.

SECTION 66. It shall be the duty of the state superintendent to collect in his office such school books, apparatus maps and charts as can be obtained without expense to the state, and also to purchase, at an expense not exceeding fifty dollars a year, rare and valuable works on education, for the benefit of teachers, authors and others who may wish to consult them; and the said sum is hereby annually appropriated for this purpose out of any moneys in the treasury not otherwise appropriated.†

SECTION 67. He shall prepare in each year a report, to be submitted to the Governor on or before the tenth day of December‡ in each year, containing—

1. An abstract of all the common school reports received by him from the several clerks of the county boards of supervisors;§
  2. A statement of the condition of the common schools in this state;
  3. Estimates and accounts of expenditures of the school moneys;
  4. Plans for the improvement and management of the common school fund, and for the better organization of the common schools.
- And—

5. All such matters relating to his office and the common schools of the state, as he shall deem expedient to communicate.

SECTION 68.¶ It shall be the duty of the state superintendent, between the tenth and fifteenth days of June in each year, to apportion and distribute the income of the state fund for the support of common schools, which shall have been received up to the first day of June in each year, among the several counties of this state, and the share of each county, among its respective towns and cities,

\* See section 122 of Code.

† Section 2, of chapter 203, laws of 1859.

‡ Section 9, chapter 133, laws of 1858.

§ The reports are now made by the county superintendents.

¶ See chapter 75, general laws of 1866.

according to the number of children in each, over the age of four and under the age of twenty years, according to the returns thereof as made to his office for the preceding year: *provided*, that no moneys shall be apportioned to any town for any district therein, for any year during which such district shall not have maintained a common school, taught by a qualified teacher, the number of months prescribed by law.

SECTION 69.\* The state superintendent shall certify the apportionment of the school fund income to the secretary of state, and shall immediately give notice thereof to the clerk of the board of supervisors, stating the amount apportioned to his county, and to each town and city therein; and the secretary of state, upon receiving such apportionment, shall immediately draw his warrant upon the state treasurer in favor of the treasurers of the several counties for the amount apportioned to each.

SECTION 70. The state superintendent shall have an office at Madison, where shall be deposited all papers and documents appertaining to the business of his office; and to which place communications on the subject of common schools may be addressed to him.

SECTION 71. Copies of all papers deposited or filed in the office of the state superintendent of common schools, and all acts and decisions of such superintendent may be certified by him; and when so certified, shall be evidence equally and in like manner as the originals.

SECTION 72. The state superintendent shall have power to appoint under his hand and seal an assistant superintendent of public instruction, who shall take the constitutional oath of office, which shall be filed in the office of the governor; and such assistant shall perform such duties as his principal shall prescribe, not inconsistent with law, and shall receive an annual salary of eighteen hundred dollars,† to be paid quarter-yearly as the salaries of state officers are paid, and such assistant shall be styled the assistant state superintendent, and the state superintendent shall be responsible for all the acts of such assistant.

SECTION 73. There is hereby appropriated annually to the superintendent of public instruction, out of any money in the treasury not otherwise appropriated, the sum of fifteen hundred dollars,‡ to defray traveling expenses, in making official visits as required by law; said appropriation to be drawn in such sums and at such times as the state superintendent may elect.

SECTION 74. The state superintendent shall submit in his annual report a statement of his travels in making official visits during the past year.

SECTION 75. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of one thousand dollars,§ annually, to the superintendent of public in-

\* See chapter 4, general laws of 1866.

† See chapter 140, general laws of 1869.

‡ See chapter 83, general laws of 1869.

§ See chapter 140, general laws of 1866.

struction, for the purpose of defraying the expenses of clerk hire in the office of said superintendent of public instruction; said sum to be drawn quarterly by said superintendent, and to be disbursed by him for the purpose herein named: *provided*, that said sum of one thousand dollars shall be in full for the annual payment of all clerk hire of said department.

*Chapter 138—General Laws, 1858.*

ANNUAL REPORT.

SECTION 9. Section two of chapter ninety-nine, of the general laws of 1857, is hereby so amended as to except the state superintendent of public instruction from being required to make his annual report to the governor within ten days after the close of the fiscal year; and the said state superintendent shall make his report, and deliver it on or before the (10th) tenth day of December in each year, to the governor, who, within three days thereafter, shall deliver the same to the contractor or person authorized to do the public printing of the state.

*Chapter 13—Revised Statutes.*

OF THE BOARD OF COUNTY SUPERVISORS.

SECTION 28. In addition to the ordinary powers and duties of the several county boards of supervisors enumerated in the preceding section, the following special powers are conferred upon them, subject to such modifications and restrictions as the legislature shall from time to time prescribe, to-wit:

4. To authorize the levying and collecting of taxes for specific purposes in any town or school district, not exceeding one thousand dollars, when such town or school district is not authorized by law to levy and collect the same, or so large an amount; and to authorize the issuing and renewal of any warrant for the collection of town, school or road district taxes, as they may deem just and expedient, when the same is not authorized by law: *provided*, a majority of the electors of such town or school district shall, at some duly organized meeting, vote for such tax to be raised.

OF THE CLERK OF BOARD OF SUPERVISORS.

SECTION 60. Whenever the clerk of the board of supervisors of any county shall receive from the state superintendent notice of the apportionment of school moneys to be distributed in the county, he shall file the same in his office, and transmit a certified copy thereof to the county treasurer; and such clerk shall also lay a certified copy thereof before the board of county supervisors at their next annual meeting.

SECTION 61. It shall be the duty of the clerk of the board of supervisors, in each county, on the last Monday in December in



each year, to transmit to the state superintendent, certified copies of all resolutions and proceedings of the board of supervisors of which he is clerk, passed or had during the preceding year, relating to the raising of any money for school purposes, and to report the amount to be raised in each town in such county.

*Chapter 15—Revised Statutes.*

POWERS AND DUTIES OF TOWNS.

SECTION 2. The qualified electors of each town shall have power at any legal meeting thereof to vote to raise such sum of money for the support of common schools, in addition to the amount required by law to be raised, as they may deem necessary. \* \*

*Chapter 18—Revised Statutes.*

OF THE ASSESSMENT AND COLLECTION OF TAXES.

SECTION 53 \* The board of county supervisors, at their annual meeting in each year, shall estimate and determine the amount of moneys to be raised in each town and ward in their county, for the support of common schools therein for such year, which tax shall be levied and collected in each year, and shall not be less than the amount of school moneys apportioned to such town and ward by the state superintendent, in his last apportionment of school moneys, nor shall the amount so raised for school purposes exceed three mills on the dollar, in any one year, upon the valuation of the taxable property in such county; and every such determination for the raising of school moneys by the said board, shall be recorded by their clerk, and the sum so determined to be raised shall be assessed and collected for the use of common schools in each town and ward in such county, in addition to any sum any such town or ward may have voted to raise for the support of common schools therein.

SECTION 54. Whenever there shall have been no distribution of school moneys to any town or ward in any year, the county board of supervisors shall, at their annual meeting in that year, direct to be raised on the valuation of the taxable property in such town or ward, the same per centage or proportionable amount of taxes for the support of common schools therein, as shall be required to be raised for that purpose in other towns in such county.

*Chapter 24—Revised Statutes.†*

OF THE DISTRIBUTION OF THE INCOME OF THE SCHOOL FUND.

SECTION 1. The income of the state fund for the support of common schools, which shall be received up to the last day of May

\* See chapter 40, general laws of 1866.

†As amended by chapter 99, general laws of 1860, and chapter 173, general laws 186 1

in each year, shall be distributed annually, between the tenth and fifteenth days of June in each year, or as soon thereafter as practicable among the several counties in this state, from which reports have been received by the state superintendent, agreeably to law.

SECTION 2. The treasurer of each county shall apply for and receive from the state treasurer the school moneys apportioned to his county, as soon as the same shall become payable.

SECTION 3. Each county treasurer receiving such moneys shall immediately give notice in writing to the treasurer of each city, and to the town treasurer of each town in his county, of the amount apportioned to such town or city, and shall hold the same subject to the order of such city treasurer or town treasurer.

SECTION 4. In case the treasurer of any such city, or the town treasurer of any such town, shall not apply for and receive such moneys before the next receipt of school moneys apportioned to the county, the moneys so remaining with the county treasurer shall be added to the moneys next received by him from the state superintendent, and distributed therewith, and in the same proportion among the several towns and cities entitled thereto in such county.

SECTION 5. Whenever it shall not appear from the certified statement of the clerk of the board of supervisors in any county, made to the state superintendent, that the amount required by law to be raised for school purposes has been directed to be raised during the year by the board of supervisors of such county, the superintendent shall not apportion any of the state school funds to such county, and in such case the moneys so withheld shall be added to the principal of the common school fund.

*Chapter 96--Laws of 1859.*

OF THE ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. Whenever any organized town in this state shall have failed to levy, collect or pay over to the county treasurer of the county in which such town is situated, any state, county or school tax, apportioned to and charged against such town in any year, and now is, or shall hereafter be delinquent for the same or any part thereof, it shall be lawful, and it is hereby made the duty of the board of supervisors of the county in which such town shall be situated, in any succeeding year thereafter, to charge over any and all such delinquent taxes, and a penalty of twenty-five per cent. to the town thus delinquent, and add the same to the amount of the annual or current tax apportioned to such town.

SECTION 2. It shall be the duty of the clerk of the board of supervisors to certify such gross amount of tax to the clerk of such delinquent town in the same manner and at the same time as he is now required by law to certify the annual apportionment of taxes as provided in section 56 of the chapter to which this is amendatory.

SECTION 3. It shall be the duty of the town clerk of such town to calculate and carry out such gross amount of delinquent and cur-

rent tax, in the manner and at the time now provided by law for carrying out taxes, as provided in section 59 of the chapter to which this act is amendatory.

SECTION 4. Any town clerk who shall hereafter neglect or refuse to calculate and carry out upon the assessment roll, any tax or taxes apportioned to any town and certified to him by the clerk of the board of supervisors of the county in which such town is situated, and attach a warrant thereto, and deliver the same to the treasurer of his town as provided by law, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not less than five hundred dollars nor more than one thousand.

SECTION 5. This act shall take effect and be in force from and after its passage.

*Chapter 76—General Laws, of 1866.*

**COLLECTION OF SCHOOL DISTRICT TAXES, WHEN THE COLLECTION HAS BEEN ENJOINED.**

SECTION 1. In all cases where any officer has been or hereafter may be enjoined from the collection of any school district tax or taxes levied or assessed upon any land or lands subject under any law of this state to taxation, and where such injunction shall be dissolved by order of court, if such tax or taxes shall remain unpaid for thirty days after the dissolving of such injunction, such tax or taxes shall be collected in the manner hereinafter provided.

SECTION 2. The clerk of the district by and in which such tax or taxes were voted to be raised, shall make out a tax list, and shall enter therein the names of the person or persons liable to pay such tax or taxes, and opposite to each such name, in separate columns prepared for that purpose, he shall enter the amount of personal property belonging to such person, the amount of tax thereon, the collection of which has been enjoined as aforesaid, a description of the real estate belonging to such person, the valuation thereof, and the amount of tax thereon, the collection of which has been enjoined as aforesaid. The names of such person or persons, the amount of such personal property, the description of such real estate, the valuation thereof, and the amount of such tax, shall be ascertained so far as possible from the assessment roll which was in the hands of the officer at the time the collection of such tax was enjoined.

SECTION 3. The clerk of such district shall annex to such tax list a warrant under his hand, directed to the treasurer of such district, and commanding him, the said treasurer, to collect from each of the taxable persons and corporations named in such tax list, and the owners of real estate described therein, the several sums set opposite to the persons and corporations so named, and to the several tracts of land so described, within ten days from the date thereof, and within five days from the date of such warrant, personally to demand such tax of the persons charged therewith in such list, if they be found within his district, or upon the lands placed opposite

their respective names in such list ; and if any such tax shall not be paid within five days, to collect the same by distress and sale of personal property, in the same manner as town treasurers are authorized to collect town and county taxes ; and the said treasurer shall execute said warrant and return the same to the clerk of such district, at the expiration of the time limited therein for the collection of such tax list.

SECTION 4. If any tax on real estate in any tax list delivered to the treasurer of any school district, shall remain unpaid at the time he is required by law to return his warrant to the clerk of the district, such treasurer shall make out and deliver to the county treasurer of his county, a statement in writing, containing a description of the lots and pieces of land upon which such tax remains so unpaid, together with the amount of tax assessed to each, and the name of the person to whom each lot or piece of land is assessed ; and he shall make and subscribe an affidavit to such statement before some justice of the peace, or other person authorized to administer oaths, that the taxes mentioned in such statement remain unpaid, and that after diligent efforts he has been unable to collect the same ; and whenever any school district shall embrace parts of more than one county, such treasurer shall make his return as aforesaid to the county treasurer of the county in which the lands upon which such tax remains so unpaid, shall be situated.

SECTION 5. The county treasurer upon delivery to him of such statement, shall give a certificate to the district treasurer of the amount of taxes so remaining unpaid, as the same shall appear from the statement of such district treasurer, which certificate shall be deposited by the district treasurer with the district clerk, and shall be filed by such clerk.

SECTION 6. The county treasurer immediately upon receiving such statement, shall proceed to advertise and sell the said lands upon which such taxes remain unpaid as aforesaid, as appears from such statement in the same manner and with the like notice as he is authorized to sell lands for unpaid taxes returned to him by the town treasurer.

SECTION 7. At any time within twenty days after such lands shall be sold as aforesaid by the county treasurer, the district treasurer shall present to the county treasurer a copy of the certificate so delivered to him as aforesaid by the county treasurer, which said copy shall be certified to by the district clerk, and the county treasurer shall pay to such district treasurer the amount of taxes due to such district, as soon thereafter as the same is collected.

The above law applies to cases in which the collection of a school district tax being enjoined, the injunction is not dissolved in time to permit the officer who holds the tax list to collect said tax.



*Chapter 28—Revised Statutes.*

## SALE OF FALLEN TIMBER AND GRASS.

SECTION 122. The town superintendent of schools\* in each town, shall be authorized to sell the fallen timber and the grass growing upon any unsold school or university lands in his town, if such lands are not leased by the commissioners, and shall pay the proceeds thereof into the county treasury, for the benefit of the school and university fund, and shall immediately report the amount so paid, to the state treasurer.

*Chapter 165—Revised Statutes.*

## PROTECTION OF TIMBER AND MINERALS.

SECTION 55. It is hereby made the especial duty of the superintendent\* of schools, in each town, who may have knowledge of, or who may receive information of any offense mentioned in the two next preceding sections of this chapter [cutting timber or removing minerals from school or university lands], to forthwith inform the district attorney of the county in which he resides, of the trespass committed, of the name of the trespasser or trespassers, and of the name of the witness or witnesses in the case.

\* The duties of the Town Superintendent in the foregoing sections are devolved upon the town clerk by sub-section 4 of section 10, chapter 179, laws of 1861.



# OF COMMON SCHOOLS.

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*Act of 1863.*

## FORMATION OF SCHOOL-DISTRICTS.

SECTION 1.\* The board of supervisors in each town in this state shall have power to form and alter school-districts in the manner hereinafter set forth: *provided*, that no school-district can or shall embrace more than thirty-six square miles of land.

The size of school-districts cannot be more than thirty-six square miles, or sections (twenty-three thousand and forty acres). A district, however, may be of any convenient shape, provided it does not embrace more territory than the law allows; and it is always desirable to have it as large as a due regard to the distance to be traveled to reach the school house will warrant. If the district be large and wealthy, the per cent. of taxation will be small, and the large number of children will frequently enable the board to grade the school. Thus economy and efficiency are promoted. But districts should be as compact in form as the natural features of the country will permit, and should be composed of contiguous territory.

SECTION 2. The formation of a school-district shall be by written order of the board of supervisors, describing the territory embraced in such district, which order shall be filed with the town clerk, and it shall be the duty of the supervisors, within twenty days thereafter, to deliver to a taxable inhabitant of the district a notice in writing, describing its boundaries and appointing a time and place for the first district meeting.

The order forming, altering or describing a school-district should be so complete and definite that a surveyor, at any fu-

\* Amended by chapter 50 general laws of 1868.

ture day, may be able to run its boundaries without reference to any other document. Hence districts should be described by government surveys; but, if necessary, exterior lines may be defined by reference to natural features, such as rivers, creeks, marked trees, &c., or to highways or town lines. As a school-district consists of *territory* and not *persons*, the territory should be so described that a change of ownership will not require a change in the description.\*

A taxable inhabitant is one who is liable to pay a tax, although no tax may have been assessed upon him. The time for holding the first meeting should not be fixed upon a day earlier than that upon which the order forming the district goes into effect. In case a new district is formed out of the territory taken from an old one, the order does not go into effect until three months after it is made, without the consent of the district from which such territory was taken. It should be distinctly understood that nothing can be done towards actually organizing a new district, beyond the giving of the notice for the first meeting, until the order of formation takes effect; and other districts from which territory may be taken remain precisely as they were, until that time. In the case of a joint district, the order of formation, and the notice for the first meeting, must be signed by a majority of the supervisors of each of the towns in which a part of said joint district is situated.†

The legal organization of a district requires that all orders relating to the action of the supervisors in forming it, shall be recorded in the offices of the clerks of those towns in which any part of such district is situated.

\*The formation of joint districts should be avoided, except in those cases in which there are strong reasons for organizing them.

**SECTION 3.** The supervisors shall, in such notice, direct such inhabitant to notify every qualified voter of the district, either personally or by leaving a written notice at his place of residence, of the time and place of such meeting, at least five days before the

\*See form No. 1.

†See form No. 2.



time appointed therefor; and it shall be the duty of such inhabitant to notify the voters of such district, agreeably to the requirements of said notice, and indorse thereon a return containing the names of the persons by him notified; and said notice and return shall be recorded as a part of the record of the first meeting in such district.

The notice should be read in the hearing of each voter, but when this is impracticable, a copy of the notice left at his residence will answer the requirements of the law.\* The notice should be given to every inhabitant having any pretensions to a right to vote. The notice does not determine the right of voting, and hence whether the person giving the notice considers another qualified or not is of no importance.

The return of the person directed to give the notice should be indorsed upon the notice and signed by the person making it. It should be produced at the meeting and filed with the records of the district. It is, however, not the only evidence of the legality of the proceedings of the meeting. In its absence, secondary evidence might establish the *facts* upon which the legality of the meeting depends.

In computing statute time, the first day, or the day on which the time begins to run, is to be excluded. The notice should therefore be given as early as the sixth day before the meeting, and the manner in which it is given should be clearly set forth in the return. The supreme court of Massachusetts, in regard to a similar notice, says: "when the selectmen direct a warrant for calling a school-district meeting, to a proper person, he is made a returning officer for that occasion. All returning officers are ministerial, and are bound to set forth in their returns all the acts done by them, that the proper tribunal may judge of their sufficiency. They are not competent to judge of the legality of a notice or service; and a return that a precept had been *legally* served, or that the duty enjoined by the warrant had been duly performed, would most clearly be insufficient."

**SECTION 4.** In case such notice shall not be given, or the inhabitants of a district shall neglect or refuse to assemble or form a dis-

\* See form No. 3.

district meeting when so notified, or in case any school-district having been formed or organized shall afterwards be dissolved, so that no competent authority shall exist therein to call a special meeting in the manner hereinafter provided, notice shall be given by the town supervisors, and served in the manner prescribed in the preceding section.\*

The power of the supervisors to call a meeting after a district has been organized by the election of officers, is limited, so far as this section is concerned, to the case of no authority existing to call a meeting therein. If the offices of a district have all become vacant, it is the duty of the supervisors to call a meeting, as provided in section three.

SECTION 5. Whenever a district meeting shall be called in the manner prescribed in the preceding sections of this chapter, it shall be the duty of the electors of the district to assemble at the time and place mentioned in such notice.

The "electors of the district" are such persons as are qualified to vote at a general election for state and county officers, and who who have resided in the district for the last ten days preceding the meeting.

It is the duty of all electors to attend the district meetings; but the acts of those who assemble are valid and binding upon those who neglect to perform their duty. It is also the duty of those who may have received no formal notice of a district meeting to attend the same, if they have learned the time and place at which it is to be held. An unintentional neglect to give notice to some of those entitled to receive it will not invalidate the proceedings. They may, however, be set aside on appeal, if sufficient cause can be shown.

SECTION 6. Every school-district shall be deemed duly organized when any two of the officers elected at the first legal meeting thereof shall have consented to serve in the offices to which they have been respectively elected, by a written acceptance thereof, filed with the clerk and recorded by him; and every school-district shall be considered as legally organized, after it shall have exercised the franchises and privileges of a district for the term of two years.

The first business, after the district meeting is organized, is the election of officers. The reason for this is, that none but

\* See form No. 6.

organized districts can transact business, and no district is fully organized until it has officers. The written acceptance of the trust is evidence that the officers elected will serve. These acceptances should be made a part of the records of the meeting. In case they cannot be obtained within a reasonable time, the meeting may adjourn to some certain time sufficient for procuring them. The time for which the meeting adjourns must not be greater than a month. No notice for an adjourned meeting is required, unless the adjournment is for a longer period than one month. A meeting may order its clerk to give notice of an adjourned meeting, in order to secure a full attendance of the electors; but any neglect to execute such order would not invalidate the proceedings of such adjourned meeting. If the persons elected refuse to serve, the meeting may proceed to elect others. All the powers conferred by law upon the voters at an annual meeting, are possessed and may be exercised by them at the first meeting.

Every district having exercised the powers and enjoyed the privileges of a school-district for two years, is held to be legally organized, notwithstanding any informality of proceeding in its organization. Until its organization is set aside by competent authority, it is the duty of its officers to comply with all the requirements of the school law. It is sufficient for them to know that it is a district *de facto*. After two years have elapsed, its organization cannot be set aside on account of any alleged informality by any person or officer.

#### CORPORATE POWERS OF SCHOOL-DISTRICTS.

SECTION 7. Every school-district organized in pursuance of this chapter, or which has been organized under any previous law of the state or territory of Wisconsin, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "school-district number —," (*such number as shall be designated by the town supervisors in the formation thereof,*) "of —," (*the name of the town or towns in which the district is situated,*) and in that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same.

All contracts made with a school-district; all suits brought by the district, and all writings in which a district is a party, require that the name of the district should be mentioned: *e. g.*, *School-district number four, town of Lincoln, Polk county.* When district officers are specifically empowered by law to act, their names may be mentioned. The district, as a corporate body, has perpetual succession and existence by its corporate name, and may hold real and personal estate for its corporate purposes. It is a body created by law, and is wholly distinct from the individuals that may from time to time compose it. A school-district does not become dissolved, or lose any of its rights, or become discharged of its obligations, by a change of its name, number or boundaries. (*School-district No. 3 vs. Macloon, 4 W. R., 79.*)

#### QUALIFICATIONS OF VOTERS.

SECTION 8. Every person shall be entitled to vote in any school-district meeting of this state, who is qualified to vote at a general election for state and county officers, and who shall have resided for the last ten days in the district where he may offer to vote.

The qualifications of voters at a general election are declared by chapter 7 of the revised statutes, as amended by chapter 47 of the general laws of 1861, to be as follows:

SECTION 1. Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, shall be deemed a qualified voter at such election:

1. White citizens of the United States.
2. White persons of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.
3. Persons of Indian blood, who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.
4. Civilized persons of Indian descent, not members of any tribe.

SECTION 2. No person under guardianship, *non compos mentis*, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason, felony or bribery, unless restored to civil rights; nor shall any person who, being an inhabitant of this state, may hereafter be engaged, directly or indirectly, in a duel,



either as principal or accessory, be permitted to vote at any election; nor shall any person who shall have made or become directly or indirectly interested in any bet or wager, depending upon the result of any election at which he shall offer to vote, be permitted to vote at such election. Nor shall any person be deemed to have gained a residence in any town or ward in this state, so as to entitle him to vote at any election in such town or ward, by remaining in such town or ward as a pauper, supported by the town or county in which he shall be living at the time of such election; and no person shall be deemed to have lost his residence in any town or ward by remaining in any other town or ward as such pauper.

The right of suffrage was extended by chapter 137, laws of 1849, to male colored inhabitants of this state over twenty-one years of age; that act having been duly submitted to a vote of the people at a general election in 1849, pursuant to section 1, article III, of the constitution of this state, and having been "approved by a majority of all the votes cast at such election." The supreme court held, in the case of Gillespie vs. Palmer, that "by a majority of all the votes cast at such election," as those words are used in section 1 of article III, of the state constitution, is meant a majority of all the votes *on that subject*, cast at such election.

The question of residence is important, with respect to the right of voting; holding district offices, and enumeration of pupils.

*Inhabitaney* and *residence* do not mean precisely the same thing as *domicil*, when the latter term is applied to successions to personal estate, but they mean a fixed and permanent abode or dwelling place for the time being, as contra-distinguished from a *mere temporary locality* of existence. (8 Wendell, N. Y. R., 140.)

Actual residence is not indispensable to retaining a domicil, but it is retained by the absence of any present intention of removing therefrom, as well as by the intention not to change it or adopt another. An intention to remove does not affect the domicil, unless such intention is carried into effect. The rule is that a domicil once acquired remains until a new one is acquired. The law supposes every person to have a domicil

somewhere; and he can have only one domicile at one and the same time. In determining the domicile it is held, (23 Pickering, Mass. R., 178) that "the place of a man's dwelling house is first regarded, in contradistinction to any place of business, trade or occupation. If he has more than one dwelling house, that in which he sleeps or passes his nights, if it can be distinguished, will govern. And if the dwelling house is partly in one place and partly in another, the occupant must be deemed to dwell in that town in which he habitually sleeps, if it can be ascertained."

Section 30 of chapter 7 of the revised statutes, as amended by chapter 471 of the general laws of 1864, provides the following rules for governing inspectors in determining the residence of electors:

**SECTION 30.** The inspectors of election in determining the residence of a person offering to vote, shall be governed by the following rules, so far as they may be applicable:

*First.* That place shall be considered and held to be the residence of a person, in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

*Second.* A person shall not be considered or held to have lost his residence, who shall leave his home and go into another state, or county, town or ward of this state, for temporary purposes merely, with an intention of returning.

*Third.* A person shall not be considered to have gained a residence in any county, town or ward of this state, into which he shall have come for temporary purposes merely.

*Fourth.* If a person remove to another state with an intention to make it his permanent residence, he shall be considered and held to have lost his residence in this state.

*Fifth.* If a person remove to another state with the intention of remaining there an indefinite time, and as a place of present residence, he shall be considered and held to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

*Sixth.* The place where a married man's family resides shall generally be considered and held to be his residence; but if it is a place of temporary establishment for his family, or for transient objects, it shall be otherwise.

*Seventh.* If a married man has his family fixed in one place, and he does his business in another, the former shall be considered and held to be the place of his residence.

*Eighth.* The mere intention to acquire a new residence, without the fact of removal, shall avail nothing, neither shall the fact of removal without intention.

*Ninth.* If a person shall go into another state, and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this state. No soldier's residence shall be deemed to be changed for any purpose whatever, by reason of his having received a local bounty from and having been credited upon the quota or quotas of a town, ward or city other than that in which such soldier actually resided at the time of volunteering; but for the purpose of exercising the right of suffrage in accordance with the provisions of chapter eleven of the laws passed at the extra session of 1862, and chapter fifty-nine of the general laws of 1863, or either of said acts, and for all other purposes, every such soldier shall be deemed to be a resident of the town, ward or city in which he had a legal residence at the time of volunteering.

#### CHALLENGING VOTES.

SECTION 9. If any person offering to vote at a school-district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall declare that he is a voter, and if such challenge shall not be withdrawn, the chairman shall tender him the following oath or affirmation: "You do solemnly swear, (or affirm, as the case may be,) that you have been an actual resident of this school-district for the last ten days, and that you are qualified according to law to vote at this meeting." And every person taking such oath or affirmation, shall be permitted to vote on all questions proposed at such meeting; but if the person shall refuse to take such oath or affirmation, his vote shall be rejected.

The following will aid in determining the "qualifications of a voter," although the chairman of a district meeting cannot require the person challenged, to answer, under oath, the questions. This power is vested only in inspectors of election. Section 34 of chapter 7 of the revised statutes, as amended by section 1 of chapter 30 of the general laws of 1866, prescribes the duties of inspectors of election, in case a person offering a vote is challenged:

SECTION 34. If a person offering to vote is challenged as unqualified by any elector, or by one of the inspectors of the election, one of the inspectors shall tender to him the following oath or affirmation: "You do swear, (or affirm,) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector of this election.

*First.* If the person be challenged as unqualified on the ground that he is not a citizen, and has not declared his intention to become a citizen, the inspectors, or one of them, shall put the following questions :

1. Are you a citizen of the United States? If no, then—
2. Have you declared your intention to become a citizen of the United States, conformably to the laws of the United States?
3. When and where did you declare your intention to become a citizen of the United States?

*Second.* If the person be challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election, the inspectors, or one of them, shall put the following questions :

1. How long have you resided in this state immediately preceding this election?
2. Have you been absent from this state within the year immediately preceding this election? If yes, then—
3. When you left did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?
4. What state or territory did you regard as your home while absent?
5. Did you, while absent, vote in any other state or territory?

*Third.* If the person be challenged as unqualified on the ground that he is not a resident of the county, town or ward where he offers his vote, the inspectors, or one of them, shall put the following questions :

1. When did you last come into this county, town or ward?
2. Did you come for a temporary purpose merely, or for the purpose of making it your home?
3. Did you come into this county for the purpose of voting in this county?
4. Are you now an actual resident of this county or ward, and what is the particular description, name and location of your place of residence?

*Fourth.* If the person be challenged as unqualified on the ground that he is not twenty-one years of age, the inspectors, or one of them, shall put the following questions :

1. Are you twenty-one years of age to the best of your knowledge and belief?

*Fifth.* If the person be challenged as a deserter from the military or naval service of the United States, or for having departed the jurisdiction of the enrolling district, the inspectors, or one of them, shall put to him the following questions :

1. Did you ever belong to the military or naval service of the United States?
2. If yea, did you desert such service before the eleventh day of March, A. D. 1865?
3. If you deserted before that date, did you return to such ser-



vice, or report yourself to a provost marshal, on or before the tenth day of May, A. D. 1865?

4. Did you desert such service after the eleventh day of May, A. D. 1865?

5. Did you, being duly enrolled as subject to any draft into the military or naval service of the United States, duly ordered, depart from the district in which you were so enrolled, or go beyond the limits of the United States, with intent to avoid any such draft?

The inspectors of election, or one of them, shall put all other questions to the person challenged, under the respective heads aforesaid, as may be necessary to test his qualifications as an elector at that election.

If a person who is unqualified is allowed to vote without being challenged, those objecting to the proceedings must show that they did not know him to be unqualified. A challenge should be interposed at the first instance in which such person offers his vote, for it is not just for one to avail himself of a vote so long as it is cast so as to carry out his views, and then be permitted to object when the voter differs with the challenger.

The chairman of a district meeting has no right, under the statute, to prohibit from voting, any male person who takes the oath required by law. It will, however, be competent for the superintendent of public instruction to correct and set aside all proceedings carried by votes clearly illegal, if the result depends upon them. It is the duty of the chairman of the district meeting to permit any person challenged, to take the oath required by law, and a refusal on his part to perform this duty will be considered good ground for setting aside the proceedings of the meeting.

Proceedings will not be set aside on account of illegal votes, unless a different result would have followed the exclusion of such votes. "The mere circumstance that improper votes are received at an election will not vitiate it. The fact should be shown affirmatively, that a sufficient number of improper votes was received for the successful ticket, to reduce it to a minority if they had been rejected; or the election shall stand." (7 Cowan, N. Y.)

If the nominee for chairman is challenged, the person making the nomination usually acts as temporary chairman, and should require the person challenged to take the oath prescribed by the statute.

#### ALTERATION OF SCHOOL-DISTRICTS.

**SECTION 10.** Whenever the town supervisors shall contemplate an alteration of the boundaries of a school-district, they shall give at least five days' notice in writing to the clerk of the district or districts to be affected thereby, stating in such notice the time and place when and where they will be present to hear and decide upon such proposed alteration ; and it shall be the duty of such clerk or clerks immediately to notify the other members of the board.\*

A district should, when practicable, embrace wealth and population sufficient to sustain a good school without resorting to burthensome taxation. The common desire for small districts should not be gratified at the expense of the welfare of the school. It is better that children should travel two or even three miles to attend a good school, than half a mile to attend a poor one.

A written admission of service of the notice required by law, or the return of the person serving the notice, should be annexed to every order of alteration, and filed with it in the office of the town clerk, so that a complete history of the transaction may be preserved.

Great care should be exercised in giving the preliminary notices of alterations proposed, as the want of this may render the proceedings of the supervisors illegal, and lead to an appeal.

**SECTION 11.†** In all cases where an alteration of the boundaries of a school-district shall be made, the town supervisors shall, within three days thereafter, give notice thereof by filing a copy of the order so altering the same with the town clerk, and with the clerk of the district or districts affected by such alteration ; and no alteration of any school-district made without the consent of a majority of the district board, indorsed on such order, shall take effect until three months after notice given, as above specified, unless such alteration is made in compliance with the order of the state superin-

\* See form No. 8.

†Amended by chapter 103 of general laws of 1868. See Form No. 9.

tendent of public instruction, given in the decision of an appeal regularly taken; nor shall any alteration of an organized district be made to take effect between the first day of December in any one year and the first day of April following.

Delay in giving the notice required in this section does not render the previous action of the supervisors illegal, as it is merely matter of information of an act done: nevertheless, the notice should be promptly given.

Copies of all orders making alterations in joint districts must be filed in the offices of the clerks of those towns of which the districts altered constitute a part, even though such alterations may not affect persons residing in all the towns where such copies are filed. If unoccupied territory is taken from one district and attached to another in a different town, the order signed by a majority of the supervisors of each of the towns, must be recorded in both. Unless such record is made, the supervisors of one town are unable to know the boundaries of a joint district, without consulting the records of another town in which they have no control.

Usually the action of the supervisors will be based upon petition, but there is nothing in the law forbidding them to act without, when in their judgment the interests of education require it. It is their duty to make such alterations as will best promote the welfare of the public schools, even though not asked to do it. As a general rule, however, they will seek to *consolidate* rather than to divide districts, to make them as large as practicable, and to avoid joint districts, unless very necessary.

The order of alteration is an official act, and must result from a resolution of a majority of the board, adopted at a meeting at which all are present, or of which all have been notified. A due sense of propriety, however, will lead a supervisor having a personal interest in any proposed alteration of a district to avoid acting in that case. It is better that the other members of the board should decide it without his presence. At the same time it is not illegal for him to be present

and vote, and proceedings cannot be set aside on appeal on this account.

When a district is formed, wholly or in part, out of territory comprised in districts already organized, and the district board of any district from which a portion of the territory embraced in the new district is taken, refuse to consent to the alteration, the order of the supervisors does not take effect till three months after it is issued, and they are not obliged to deliver the notice to a taxable inhabitant, calling the first meeting of the voters of the new district, till twenty days after said order takes effect; but such notice may be given at any time after the order is issued, provided that it does not call the meeting until the three months have expired, as *no action* can be taken by the voters of the new district until the order of formation takes effect, for the reason that before that time *there is no new district*, and the people and territory retain the same condition and sustain the same relations that they did before the order forming the new district was issued. These remarks apply also to cases in which new districts are formed between the first day of December and the first day of April following.

#### DIVISION OF PROPERTY.

SECTION 12. When a new district is formed, in whole or in part from one or more districts possessed of a school-house or entitled to other property, the town supervisors, at the time of forming such new district, shall ascertain and determine the proportion of the value of the school-house and other property justly due to such new district.

SECTION 13. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence within the reach of the town supervisors; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion.

SECTION 14. The supervisors shall certify to the district clerk of the district retaining the school-house or other property, the amount ascertained by them as the proportion to be paid to the new district, and such amount shall be embodied in the statement of taxes required by section sixty-two of this chapter to be made by the district clerk to the town clerk, on the first Monday in No-



vember, in each year, and when collected shall be paid to the treasurer of the new district, to be applied towards procuring a school house for such district; and the money so paid to the new district shall be allowed to the credit of the taxable property taken from the former district in reduction of any tax that may be imposed on said taxable property in the new district for the building of a school-house: *provided*, that in case the new district shall have raised a tax and erected or provided for itself a school-house, before the former district shall have raised and paid over to the treasurer of the new district the amount in this section provided to be raised and paid over, it shall be the duty of the treasurer of the new district, in whose hands said amount so paid over may at any time remain, to pay over, on demand, the sum so paid him or his predecessor by the former district, to the individuals to whose credit the same would have gone had said sum been raised and paid over by the former district before the said school-house was erected or provided by the new district; and should such treasurer refuse, on demand by any party entitled thereto, to pay over to him his just proportion of said amount, the same may be collected in a suit at law by said party, upon the official bond of said treasurer.\*

These three sections have reference to cases in which *new* districts are formed from territory detached from districts possessed of a school-house or other property. When territory is taken from one district and attached to another, no claim will lie against the old district on account of property. The gain is held to be equal to the loss in the transfer.

By "property" is meant lands, tenements, hereditaments, money, goods, chattels, things in action and evidences of debt.

The appraisal and award should be made at the time of the formation of the new district; but if this duty is neglected by the supervisors, the claims growing out of their action may be collected at any time thereafter.

No vote of the old district is required to raise the amount to which the new district becomes entitled under the action contemplated by section twelve. This tax cannot be collected as a special district tax.

In case the new district shall decide to build a school-house, and shall raise a tax for this purpose, the law provides that the amount paid by the old district, shall be paid to the per-

\* See Form No. 10.

sons liable to be taxed, residing in that part of the new district formerly belonging to the old, so as to equal the abatement that would have been made in the tax levied upon the property of such persons, had the tax contemplated by section fourteen been raised and paid over, before the school-house tax for the new district was levied.

The money raised by the old district and paid over according to law, must be exclusively applied to procuring a school-house for the new district.

#### FORMATION OF JOINT DISTRICTS.

SECTION 15. Whenever it shall be necessary to form a new district from two or more adjoining towns, the supervisors of such adjoining towns shall meet together and form such district, and deliver the notice of formation to a taxable inhabitant of such district, whose duty it shall be to serve such notice as provided in the third section of this chapter; and any district so formed may be altered or regulated by the joint action of the supervisors of all the towns forming such district, in the same manner that other districts are altered and regulated.

The law requires, in special terms, that the supervisors of all towns to be affected by any contemplated action shall meet together. This is necessary in order to secure the deliberation required. An order forming a joint district must be signed by a majority of the supervisors of each of the towns in which any part of said district is situated. If a joint district is to be altered so as to form a new district, the order dissolving the old district must be signed by a majority of the supervisors of each of the towns affected, and the order forming the new district must also be signed by a majority of the supervisors of each town that contains a part of said new district.

If it is more convenient to make the order of dissolution and of formation one and the same, it will be valid if it bears the signatures that each part of the work requires. The fact that a paper bears signatures not required does not invalidate it, if it has those which the law requires. The same rule applies to orders of appraisal of property, that holds in respect

to orders of alteration. All notices of time and place of meeting to hear and determine upon the alteration of joint districts must bear the signatures of a majority of the supervisors of each of the towns interested in the proposed alteration.\*

#### DISORGANIZATION OF DISTRICTS.

SECTION 16. Whenever any district shall become disorganized by the operation of the law in relation to the alteration of districts, the supervisors shall take charge of the property belonging to the district at the time of its disorganization, dispose of the same by grant or otherwise, and apply the proceeds to the discharge of its debts, paying over the balance, if any, to the treasurers of the districts to which the territory has been attached, in proportion to the valuation of the property so attached to each, as appears from the last assessment roll of the town.

Districts do not become disorganized because they fail to elect officers and maintain a school; but they may lose their organizations by such alterations of boundaries as shall attach all their territory to other districts. If two districts are consolidated, the public money which either may have in the hands of the town treasurer, or in the hands of its own treasurer, unexpended, becomes applicable to the payment of teachers' wages in the consolidated district. If there is any money due to a teacher of either of the districts consolidated, it should be drawn before the order of consolidation takes effect.

A district is annulled only when its parts are attached to other districts so that no part of the original district remains. If any part of it remains as a distinct district, although its name and number may be changed, it is not annulled or disorganized in the sense contemplated by law. (See remark at the close of the comment on section 7, p. 22.)

In case a joint district is disorganized, the supervisors of the towns in which the different parts of such district are situated, should unite in the sale of all the property, and in executing the deeds of the real estate.

\* See forms Nos. 2, 3, 4 and 5.

If the supervisors proceed to sell any property formerly belonging to a district that has become disorganized, they should require cash payment, and should give notice that a condition of the sale is the full payment within a limited number of hours—and that if such payment is not made, the property will be offered again for sale without further notice. All conditions of sale should be mentioned in the posted notices.

The supervisors are first to apply the proceeds of the sales to the payment of the debts of the district disorganized. These debts must be ascertained from the district board of such district, and no money should be paid except upon a written order of a majority of the district board. If debts are claimed, which a majority of the district board will not admit, the amount thus claimed may be retained by the supervisors, until the legal proceedings commenced for the collection of the same, shall have been concluded.

The last assessment roll is that upon which a tax has been or may be legally raised, and should be made the basis for the apportionment of the balance of money remaining after all the debts of a disorganized district are paid. In case there is an unexpended tax found in the hands of the treasurer of the disorganized district, the equitable mode of distribution would seem to be to pay over to the treasurers of the districts to which the territory, has been attached, the proportionate amount contributed by such territory. If, however, there is found belonging to the disorganized district money derived from the town tax for schools, or from the income of the common school fund, such money should be distributed to the districts in proportion to the number of children over four and under twenty years of age, residing in the parts annexed to them respectively.

Though the statute specifies no time within which the supervisors are required to perform their duties under this section, there can be no valid reason for any longer delay than is necessary to ascertain the outstanding liabilities. If pending



litigation puts it out of their power to act immediately, they should improve the earliest favorable opportunity to settle the affairs of the district.

#### ANNUAL SCHOOL MEETING.

SECTION 17. The annual meeting of each school-district shall be held on the last Monday of September, in each year. The hour of such meeting shall be seven o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last previous annual meeting : *Provided*, That at any annual meeting of a school-district, held after the passage of this act, a majority of the electors present may determine that the annual meeting of such district be held on the last Monday of August, in each year, said determination to take effect when a copy of the proceedings of said annual meeting in reference to such change, shall have been filed with the town clerk of the town in which said district, or (in case of a joint district), in which the school house of such district is situated, and to remain in force until rescinded by a vote of a majority of the electors of said district present at a legal meeting ; the meeting held in pursuance of such determination, to be deemed the legal annual meeting of said district, the same as if held on the last Monday of September, in each year.

By vote of the district at any annual meeting, the day for holding said meeting may be changed from the last Monday of September to the last Monday of August. It is desirable that this change should be made, in order that the report of the clerk and treasurer may be laid before the people, previously to the time for making the annual report to the town clerk. The change cannot take effect until a copy of the proceedings is filed as directed. To take the vote merely to change, is not enough. Trouble is very likely to arise if the filing is neglected.

The *hour* of meeting may be changed by a vote of the district at an annual meeting, but such vote can bear only on the next ensuing annual meeting. If no other hour is determined by vote, seven o'clock in the afternoon is the hour fixed by law.

#### ANNUAL MEETING IN DISTRICTS HAVING GRADED SCHOOLS.

Chapter 23 of the general laws of 1868, as amended by chapter 6 of the general laws of 1869, provides as follows :

"SECTION 1. The annual meeting of all school-districts in which graded schools of two or more departments are taught, shall be held on the second Monday of July in each year, at seven o'clock in the afternoon.

SECTION 2. It shall be the duty of the district clerk of any school district in which such graded school is taught, to give not less than ten days notice of the time and place of holding such annual meeting, but the neglect of the clerk to give such notice shall not invalidate the acts of any annual meeting held under the provisions of this act."

SECTION 18. No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent.

Every precaution should be taken to insure a proper notice, and an omission to do so resulting from carelessness or ignorance is, in a certain sense, fraudulent. Action of an annual meeting held without due notice is looked upon with suspicion, and the superintendent of public instruction will not hesitate to sustain an appeal taken from such action, when it is made to appear that no proper opportunity has been afforded the people of a district to express their will.

#### POWERS OF A DISTRICT AT A SCHOOL MEETING.

SECTION 19. The inhabitants qualified by law to vote at a school-district meeting, when assembled at the first and each annual meeting in their district, shall have power,

*First.* To appoint a chairman for the time being.

*Second.* To adjourn from time to time as occasion may require.

*Third.* To choose a director, treasurer and clerk.

*Fourth.* To designate a site for a district school house.

*Fifth.* To vote such a tax on the taxable property of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a school-house, to build, hire or purchase such school-house, and to keep in repair and furnish the same with the necessary fuel and appendages: *provided*, that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax for building, hiring or purchasing a school-house, of more than six hundred dollars in any one year, unless the supervisors of the town in which such school house is to be situated, shall certify in writing that in their opinion a larger sum should be raised, and shall specify such sum, in which case an amount not exceeding the sum specified may be raised: *provided*, *further*, that no district shall have power to raise and collect in any one year, for the purposes above specified, more than one thousand dollars, unless the supervisors shall certify as above set forth.

*Sixth.\** To vote a tax on the taxable property of the district, of such sum as the meeting shall deem proper for the payment of teachers' wages in the district: *provided*, that no district containing a population of less than two hundred and fifty inhabitants, shall have power to levy and collect a tax for school purposes, other than for the purposes prescribed in the fifth subdivision of this section, in such district, of more than five hundred dollars in any one year; *and provided further*, that in case any district shall not at its annual meeting, or at a special meeting held subsequent to the annual meeting and prior to the third Monday in November, vote a tax sufficient to maintain a school in said district the ensuing year for the term of five months; then the district board shall have power, and it shall be their duty, to estimate and determine the sum necessary to be raised to maintain such school; and the district clerk shall certify to the town clerk the amount thus determined upon, who shall assess the same as other taxes are assessed. If, when a district shall have failed to vote a tax for special purposes, any district board shall willfully refuse or neglect to estimate and determine a sum sufficient to maintain a school for five months as aforesaid, each member of the board thus refusing or neglecting shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not less than fifty nor more than one hundred dollars, or to imprisonment in the county jail not less than one month nor more than three months; and when any district board shall have estimated and determined the sum necessary to maintain a school for five months the ensuing year, any district clerk who shall willfully refuse or neglect to certify such sum to the town clerk in time to have the same embodied in the assessment roll for that year, shall be deemed guilty of a misdemeanor and shall be liable to a penalty of not more than one hundred dollars nor less than fifty dollars.

*Seventh.* To authorize and direct the sale of any school-house, site, or other property belonging to the district, when the same shall be no longer needed for the use of the district.

*Eighth.* To impose such a tax as may be necessary to discharge any debts or liabilities of the district, lawfully incurred.

*Ninth.* To vote a tax not exceeding seventy-five dollars in any one year, for the purchase of maps, blackboards, and apparatus for illustrating the natural sciences.

*Tenth.* To vote a tax on the district, not exceeding one hundred dollars in any one year, for a district library, consisting of such books as they may direct their district board, at a district meeting, to purchase; said books to be selected under the advice of the state superintendent of public instruction: *provided*, that any school-district having less than two hundred children of school age, shall not vote a tax on the district exceeding fifty dollars in any one year for such library.

*Eleventh.* To authorize the district board to admit to the privileges of the school, persons over twenty years of age, and persons

\* Amended by chapter 182, general laws of 1868.

not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing therein, and to fix a fee for tuition per term, quarter or year, to be charged to the persons thus admitted.

*Twelfth.* To determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than five months, and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys to which the district is entitled from the income of the school fund, and from the town, shall be applied to the support of the summer or winter school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall determine the same.

*Thirteenth.* To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party, or may be interested.

*Fourteenth.* To alter, repeal and modify their proceedings, as occasion may require.

For qualifications of voters at a school-district meeting, see section 8, p. 22, and remarks thereon.

The law does not determine the number necessary to constitute a quorum for the transaction of business. The action of a meeting, due notice of which has been given, and the proceedings of which are regular, will be sustained, though only a small minority of the voters of the district may be present. When, on account of extraordinary circumstances, the attendance is very small, courtesy, as well as the consideration of the best interests of the district, demand an adjournment for a week or more.

Attendance upon the school meetings of the district is among the most important of public duties, and a sincere desire to promote harmony of feeling and concert of action should manifest itself in the order, regularity and courtesy with which the proceedings are conducted. Every consistent effort should be made to afford an opportunity for the expression of the will of a majority of the voters of the district.

The action of the meeting is determined by a majority of those present and voting. The rule of common law is "when-ever electors are present and do not vote at all, they virtually



acquiesce in the election made by those who do." (2 Burr, 1021.) Those who are present but silent, must be held to assent to what the others do in carrying out the legal purposes of the meeting.

In the exposition of this important section, defining the powers of a district, such comments as seem necessary are placed under each sub-section. The electors assembled in annual meeting have power then :

*First.* To appoint a chairman for the time being.

Some person will call the meeting to order, nominate a chairman, put the question, and declare the result. If the director be present, it will be proper for him to perform this duty, though any elector is competent to act. The person elected chairman will at once take the chair, and if the district clerk be absent, the chairman will announce the fact, and ask that a clerk may be appointed *pro tem*. The person appointed chairman is not deprived of his right to vote on any question submitted to the meeting. He may give a casting vote in case of a tie, or he may vote with the minority; when there is otherwise a majority of one in favor of any resolution, and thus make it a tie vote, which defeats the resolution; or he may vote upon a call of the yeas and nays, when his name is reached. He can, however, cast but one vote upon the question. The chairman must put to vote every motion or resolution that is seconded, unless he deems such motion or resolution to be out of order, and so declares. If the person making the motion regards the decision of the chairman erroneous, it is his right to appeal to the meeting from such decision, and, if the appeal is seconded, it is the duty of the chairman to put the question, "Shall the decision of the chair be sustained?" In case the meeting refuses to sustain the decision, it is the duty of the chairman to put the original question; a refusal to do so is disorderly, and the meeting has power to select another person for chairman, who will conform to the decision. The motion for this purpose may be put by the

clerk, and the result should be declared by him. There is no code of rules for regulating the proceedings of district meetings, and hence that must be held to be legal to which a majority consents. The office of chairman is to aid in ascertaining the will of the majority of the meeting. In case the action of the meeting is illegal, the remedy is by appeal, but a mere want of observance of technical parliamentary rules is not a sufficient reason for taking an appeal, nor will an appeal be sustained on this ground.

*Second.* To adjourn from time to time as occasion may require.

A motion to adjourn takes precedence of all others. A motion to adjourn indefinitely takes precedence of a motion to adjourn to a day fixed. If the first fails to carry, the question will then be put upon the second. If a majority are in favor of adjourning, they cannot withdraw from the meeting until the question of adjournment has been put and declared carried by the chairman, without leaving the minority in possession of all the powers of the district. A motion to adjourn cannot be received after another question is actually put to vote, and while the meeting is engaged in voting upon it, but in such case the vote must be concluded, and the result announced by the chairman. If the meeting adjourns indefinitely, all questions pending are discontinued, and they can be renewed only upon a fresh proposition; but if the adjournment is to a specified time, it is only a continuance of the session; and questions are to be taken up at the point they were left. The statute, however, (see section 20), provides, that in case of adjournment for a longer period than one month, notice shall be given of the time and place of holding the adjourned meeting, by posting written notices therefor in four or more public places in the district, one of which notices shall be fixed to the outer door of the school-house, if there be one in the district; said notice to be given at least six days previous to the time to which the meeting adjourned.

*Third.* To choose a director, treasurer and clerk.

It is desirable, however, that the proceedings of the preceding annual meeting should be read, also, the minutes of special meetings held during the year, before the meeting proceeds to elect officers. The reports of district officers should also be presented, and referred to a committee for examination, with instructions to report at some later stage of proceedings. The report should be in writing, and should be carefully examined by the committee, or by the meeting if convenient. All school officers should be held to a strict accountability for the faithful performance of their duties, and the financial statements submitted should be accompanied with vouchers for all money expended. Reports of officers should be spread upon the records, as papers that are merely filed are often lost.

Election of officers should always be by *ballot*, though this method is not absolutely required by statute. One officer must be elected each year in the order named: clerk, treasurer, director. If a vacancy has occurred during the year past, which has been filled by the district board; or by the town clerk under the provisions of section fifty, such appointment does not hold more than ten days after the annual meeting, and it is the duty of the district meeting to elect a person to fill such vacancy. The person thus elected will serve out the unexpired term, whether the same be one or two years. It will thus sometimes happen that more than one district officer is to be elected at an annual meeting.

It is desirable that an informal ballot should precede the formal ballot. A person who is present at a district meeting, when elected to a district office, will be deemed to have accepted the same, unless he declares his refusal, so that if the meeting chooses to excuse him, a new election may be had.

An adjourned session cannot oust an officer elected. It is important that the electors consummate an election, as if they do not, the vacancies must be filled by appointment, which may prove less satisfactory.

It should be noted here that no district officer can be elected at an adjourned session of the annual meeting, if such session is held more than ten days after the time fixed for the annual meeting. The power to elect does not extend beyond the ten days, and if no election has taken place, the vacancy must be filled by appointment.

If a vacancy exists at an annual meeting, from any other cause than the expiration of the incumbent's term, it is advisable that a resolution should be passed declaring that such vacancy exists, and stating the ground on which the meeting regards the office vacant. It is for the meeting to judge in the first instance whether a vacancy exists, and although it may err in so declaring, the officer elected will be deemed an officer *de facto*, and his acts in relation to the public and third persons deemed valid, until his election is pronounced void by competent authority.

*Fourth.* To designate a site for a district school-house.

The site selected should contain at least one acre, and should be as central as circumstances will permit. The future needs as well as the present condition of the district should be considered, however, and hence it may not be good policy to locate the site near the present center of population. The surroundings should also be taken into consideration. It is more important that the location should be salubrious, quiet and pleasant, than that it should be central or convenient of access. The vicinity of stores, taverns, mills, etc., is undesirable. A dry and sheltered spot should be chosen, but not too far from all inhabitants.

In designating the site it should be so described that it can be laid out without reference to any other document than the resolution locating it. The people of the district can not delegate power to the district board to designate the site, although they or a committee may be authorized and directed to make the necessary examination as to location, price and title. The action of the meeting is, however, required to legally fix its



location. After a site has been designated, it does not become established until a title has been acquired, or the district board has made a contract, binding upon the district, for its purchase.

*Fifth.* To vote such a tax on the taxable property of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a school-house, to build, hire or purchase such school-house, and to keep in repair and furnish the same with the necessary fuel and appendages : *Provided*, that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax for building, hiring or purchasing a school-house, of more than six hundred dollars in any one year, unless the supervisors of the town in which such school-house is to be situated, shall certify in writing that in their opinion a larger sum should be raised, and shall specify such sum, in which case an amount not exceeding the sum specified may be raised : *provided, further*, that no district shall have power to raise and collect in any one year, for the purposes above specified, more than one thousand dollars, unless the supervisors shall certify as above set forth.

The electors may vote such a tax as they "deem sufficient" subject to the conditions imposed by law, and with the consent of the supervisors of the town, previously obtained, they may vote any sum not exceeding that approved by these officers. It is quite proper but not necessary to designate a site before voting a tax to build the school-house ; neither is it necessary that the site should be designated before levying a tax to pay for the same. If the tax deemed sufficient is afterwards found to be too small, an additional tax may be voted, and if too much is raised, the electors may appropriate the same to any object for which they can legally raise a tax. The expense of investigating the title and of recording the deed may legally be included in the tax for a site. Although the law authorizes the leasing of a site, it does not permit the district to contract a permanent debt for future rent. Land for a site is sometimes held under a lease granting it for a consideration, paid in advance, for so long a time as the same shall be used for the purpose of a public school. It is always advisable that the district should obtain an indefeasible estate in fee simple, if possible.

Sections 78 to 85 prescribe the course to be pursued, when the district is unable to obtain the school-house site selected or designated by a majority of the electors thereof present at a regular meeting, on account of the refusal of the owner to sell or lease the same, or on account of the owner being a non-resident.

In regard to the right of the district to the school-house, at the expiration of the term for which the land upon which it is situated, is held, the law as stated by Judge Harris (7 Barb., N. Y. R., 266), is as follows: "Any one who has a temporary interest in land, and who makes additions to it or improvements upon it, for the purpose of the better use or enjoyment of it, while such temporary interest continues, may, at any time before his right of enjoyment ceases, rightfully remove such additions and improvements. If he omit to sever the addition or improvement until his right of enjoyment ceases, such an omission is to be deemed an abandonment of his right, and thereafter the addition he has made becomes, to all intents, a part of the inheritance, and the tenant, as well as any other person who severs it, becomes a trespasser."

Although a tax may be levied before a title has been acquired, yet the district board should not part with the money before a conveyance of the site has been made.

A question sometimes arises in regard to incumbrance in case of mortgage. The sum voted to purchase a site is held to be all that the district can at any time be called upon to pay for it, and hence the title should be free from incumbrance, unless it was expressly understood at the meeting voting the tax, that the site was to be purchased subject to the incumbrance resting upon it. When a site is purchased which constitutes a part of a mortgaged tract, the rule of law is that the remaining property of the mortgagor shall first be sold, and if that is not sufficient to satisfy the mortgage, then of the remainder, that which is conveyed latest is to be sold first. It is always better to obtain a clear title, and a district board is not justified in purchasing a site, or in contracting for build-

ing upon it, if said site is incumbered, without an express vote authorizing them to do so.

The question sometimes arises as to the legality of connecting the school-house with other erections made for different purposes, and under other control than that of the district board. This department has held that a tax cannot be voted for building a house for joint use, as an academy and school-house, or a church and school-house, and that any partnership which does not secure to the district board the complete control of the house for school purposes, is illegal. In the case of *Tracy vs. Talbot* (6 *Mad. R.*, 214), Judge Holt held that "If a house originally entire, be divided into several apartments, with an outer door to each apartment, and no communication with each other, the several apartments shall be rated as distinct mansion houses." The supreme court of Massachusetts held in the case of *George vs. School-District Mendon* (6 *Metc.*, 510) as follows: "If, under color of this corporate power of a school-district, the inhabitants should vote to erect an expensive and ornamental building, with a view to improve the neighborhood, to enhance the value of real estate, to accommodate societies, lecturers, dramatic exhibitions, or even to have a convenient place for religious meetings or public worship, or for any other use than that of a district town school, it would not be within the legitimate authority of a school-district, and any vote to levy a tax on the inhabitants for such purpose would be void."

There may be distinct tenements under the same roof, and tenements are as essentially distinct when one is under the other, as when one is by the side of the other. (1 *Metc.*, 541).

It is desirable that every district should own a good school-house, and that it should be entirely separate from other buildings; still it sometimes happens that economy demands a co-operation between the district and some other association in erecting two houses under the same roof. Such an arrangement is held to be legal, provided the district secures by proper legal covenants: *First*, The complete and undivided control of

the school rooms at all times, and of all doors and passages affording egress and ingress thereto. *Second*, That the other rooms of the building shall not be used at any time during school hours for an assemblage or purpose which can distract the attention of the pupils, or interfere, by noise or otherwise, with their instruction. *Third*, That the parties using or owning the other rooms shall pay the whole or some definite part of the expenses of such repairs upon those rooms, or the roof or other parts of the building, as the district shall deem necessary. *Fourth*, That the parties owning the other parts of the building shall pay a proper proportion of the amount necessary to keep the whole properly insured.

The best method of protecting the interests of the district is for the board to lease the rooms on the foregoing conditions, and such other as are proper. The lease should provide for its own termination on any breach of its conditions, and should contain an express provision that whenever a district meeting shall determine that the residue of the building is needed for school purposes, the same shall become the property of the district upon the payment of the appraised value of the labor and materials used in its construction.

A district meeting may vote a tax for a fence, sidewalks, separate privies for the two sexes, wood-house, stoves, stove-pipe and bell, as these are held to be necessary appendages.

Money may also be raised to pay for the insurance of the school-house. This must be a definite sum. The school-house cannot be insured in those companies that require a note for part of the premium, for the district board cannot bind the district to pay a note drawn by them for such a purpose. All taxes voted must be for specific and legal objects. Money cannot be raised for *contingent* expenses, nor for *arrearages* generally. The specific amount raised for each of the several objects for which the tax is levied, should be stated in the resolution passed by the meeting, in order that the district and the board may know the precise extent of their liability and authority.



A district has power to vote a tax to *enlarge* a school-house, notwithstanding it may have cost all that said district is by law authorized to raise in any one year, and the tax for such enlargement does not require the consent of the town supervisors thereto. The amount received from the sale of the old school-house may be added to the amount authorized by law to be raised for building in any one year, and expended for the new building.

*Sixth.\** To vote a tax on the taxable property of the district, of such sum as the meeting shall deem proper for the payment of teachers' wages in the district: *provided*, that no district containing a population of less than two hundred and fifty inhabitants, shall have power to levy and collect a tax for school purposes, other than for the purposes prescribed in the fifth subdivision of this section, in such district, of more than five hundred dollars in any one year; *and provided, further*, that in case any district shall not at its annual meeting, or at a special meeting held subsequent to the annual meeting and prior to the third Monday of November, vote a tax sufficient to maintain a school in said district the ensuing year for the term of five months, then the district board shall have power, and it shall be their duty to estimate and determine the sum necessary to be raised to maintain such school; and the district clerk shall certify to the town clerk the amount thus determined upon, who shall assess the same as other district taxes are assessed. If when a district shall have failed to vote a tax for school purposes, any district board shall willfully refuse or neglect to estimate and determine a sum sufficient to maintain a school for five months as aforesaid, each member of the board thus refusing or neglecting shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not less than fifty nor more than one hundred dollars, or to imprisonment in the county jail not less than one month nor more than three months, and when any district board shall have estimated and determined the sum necessary to maintain a school for five months the ensuing year, any district clerk who shall willfully refuse or neglect to certify such sum to the town clerk in time to have the same embodied in the assessment roll for that year, shall be deemed guilty of a misdemeanor and shall be liable to a penalty of not more than one hundred dollars nor less than fifty dollars.

The income of the school fund annually apportioned to the different districts on the basis of population over four and under twenty years of age, together with the amount which is received

\* Amended by chapter 162 of general laws of 1863.

by the districts from the tax levied by the county supervisors, must be appropriated to the payment of teachers' wages, and the balance is to be raised by town or district tax. A tax cannot legally be levied to pay a person for services as teacher who did not hold a certificate of qualification at the time such services were rendered; nor can any public money be paid to a person for services as a teacher, who is not qualified according to law.

Particular attention is called to the second proviso in the above sub-section, which was added to the law at the session of 1868. While the law has restrained districts, on the one hand, from voting excessive taxes, it has also provided a security against the parsimony or negligence that would sometimes fail to open schools at all, or that would open them for an insufficient period. Five months school in each year is the smallest amount that entitles a district to share in the income of the school fund. Not to provide for at least this amount, is a wrong to the children deprived, and an injury to the public good. The district board are therefore charged with the duty, under penalty for its neglect, of making this provision, if it is not done by the district.

*Seventh.* To authorize and direct the sale of any school-house, site, or other property belonging to the district, when the same shall be no longer needed for the use of the district.

The restriction here imposed upon the sale of district property is important. It must be no longer needed for the use of the district. The district must act through the district board, as the board alone is competent to make contracts binding upon the district. If any credit is to be given upon the sale of district property, the people at the district meeting should, by resolution specify the exact terms thereof, and should fix the lowest price to be accepted. The district board are responsible to the district for the exercise of the same care that a prudent business man would take in managing his own affairs.

*Eighth.* To impose such a tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

By section one hundred and fourteen a school-district is authorized to make a loan of money to aid in the erection of a school-house, if *a majority of all the legal voters* in the district shall vote in favor of the loan. The loan can usually be more conveniently paid by installments. Although the inhabitants of a district may by resolution declare their *intention* to raise a certain amount annually for two or more years, yet the action of the meeting is limited to one of the installments, and it requires the action of the district at a subsequent meeting to raise another installment. Money, under authority of section one hundred and fourteen, cannot be loaned for any other purpose than "to aid in the erection of a school-house."

*Ninth.* To vote a tax not exceeding seventy-five dollars in any one year, for the purchase of maps, blackboards, and apparatus for illustrating the natural sciences.

Maps are necessary to teaching geography, for the principal facts are learned more readily by the eye than in any other manner. Every school-room should be furnished with a map of the world, of the United States, and of this state; and of the county in which the school-house is situated. A globe is also desirable. Blackboards should extend around the school-room, that is, should occupy all the space not taken by doors and windows, to a height of seven feet from the floor, the lower edge of the blackboard being about two feet nine inches from the base board. Charts are now easily obtained for teaching reading, penmanship and other branches, and the cost is much more than made up in the increase of interest among the pupils, and the greater facilities for the teacher. School boards should acquaint themselves with the cost and use of the more simple and important kinds of apparatus, and lay the matter before the district at each annual meeting.

*Tenth.* To vote a tax on the district, not exceeding one hundred dollars in any one year, for a district library, consisting of such

books as they may direct their district board, at a district meeting, to purchase; said books to be selected under the advice of the state superintendent of public instruction: *provided*, that any school-district having less than two hundred children of school age, shall not vote a tax on the district exceeding fifty dollars in any one year for such library.

This is an important provision if wisely carried out. By judicious action, a valuable library may be secured for each school-district: but unless the money raised is placed in the hands of discreet and competent men to expend, the books obtained will be of no permanent benefit to the people.

*Eleventh.* To authorize the district board to admit to the privileges of the school, persons over twenty years of age, and persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing therein, and to fix a fee for tuition per term, quarter or year, to be charged to the persons thus admitted.

The vote of the district is to *authorize* the board to admit the persons mentioned into the school. The consent of the board should always be signified in writing, and should not be given until the tuition fee has been paid to the district treasurer. No teacher should admit a non-resident pupil into his school without express authority conveyed in writing. It is sometimes difficult for the district board to determine the liability of inhabitants for the tuition of persons in their employment or under their protection. The general rule is, that every head of a household must be supposed to direct the conduct of its members, and that he voluntarily assumes the legal responsibility growing out of their attendance upon school. This presumption does not however always apply. Crowding into a district in which a superior school is maintained, to enjoy its advantages free of cost, under plea of having residence as an employe in a family, is an abuse that sometimes needs to be corrected.

The tuition fee may with propriety be made merely nominal however, to such persons as are residents of other districts, but who are tax-payers in the district where they desire to



send to school, *provided* their distance be such as to preclude the possibility of their being attached to the district.

The question of *residence* settles the question of right to free tuition in any school.

The residence of the child is with the parent or guardian, unless by indenture or otherwise the parent or guardian gives over to another the right to control the child, so that in law he is not entitled to his earnings, or responsible for his acts.

An orphan without guardian, takes his residence with him wherever he goes.

The district board has no authority to admit non-resident children into the school contrary to the vote of the district, nor has it authority to exclude them after a vote of the inhabitants to admit them. It is the duty of the board in this matter to carry into effect the instructions of the district.

*Twelfth.* To determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than five months, and whether such school shall be taught by a male or female teacher, or both, and whether the school moneys to which the district is entitled from the income of the school fund, and from the town, shall be applied to the support of the summer or winter school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall determine the same.

The number of days during which a school must be taught to meet the requirements of the law, is held to be not less than one hundred and ten; this number may, however, include legal holidays, viz.: New Year's day, the twenty-second of February, the fourth of July, and Christmas, together with days of fasting or thanksgiving appointed by state or national authority. If the matters enumerated in the twelfth sub-section are not determined by the annual meeting, the district board must determine the same; but the inhabitants, at a special district meeting, are authorized by section 21 "to transact the same business as at the first and each annual meeting, except the election of officers." When the district has determined the length of the school (being not less than five

months) the sex of the teacher or teachers, and the application to be made of the school moneys, the board have no discretion, but must carry out the vote of the district. In case they find it impracticable to do so, the remedy is a special meeting, to give further instructions.

*Thirteenth.* To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party, or may be interested.

The district may appoint any suitable person to represent them in a suit; but in the absence of such appointment, the director is constituted the representative of the district in all suits. (See section thirty-third and the comment thereon.)

*Fourteenth.* To alter, repeal and modify their proceedings, as occasion may require.

The power to repeal proceedings cannot be exercised after they have been carried into effect, so that rights have been acquired under them. When the district board has made a contract under authority of the district, the repeal of the resolution authorizing such contract will not rescind the contract. The district can modify or repeal the contract only after securing a release of damages from all parties who have acquired any rights of action.

A district can repeal a resolution to raise a tax, at any time before the warrant to collect the tax is handed to the collector, but this power cannot be exercised after part of the tax has been collected. (Gale vs. Mead, 4 Hill. Smith vs. Dillingham, 4 Barbour.) It is advisable that resolutions should be repealed in express terms, when such is the intention, and not by implication.

When a resolution is to be repealed at the meeting at which it was passed, it is usually done by a motion to reconsider. The general rule is that a motion to reconsider can only be made by a person who voted with the majority on the question, the reconsideration of which is proposed; and this rule is a proper

one for the chairman of the meeting to observe; but, if on appeal from the decision of the chairman, a majority of the meeting choose to disregard the rule, it may be set aside. The usual rules governing legislative bodies are not binding upon district meetings, unless such meetings adopt said rules. Any resolution directly or necessarily repugnant to a previous one repeals it; and the rule, as laid down (3 Howard, U. S. R., 636) is, that if a subsequent statute be not repugnant in all its provisions to a prior one, yet if the latter statute was clearly intended to prescribe the only rule that should govern in the case provided for, it repeals the prior one.

The repeal of a repealing statute does not revive the original enactment.

Officers elected at an annual meeting cannot be displaced by reconsidering or rescinding former proceedings at an adjourned meeting. When an election has been held in due form, the elective power of the district is exhausted, and the officers chosen at the annual meeting are the legal officers of the district, until by death, resignation, removal from the district, expiration of term, refusal to serve or removal from office, a vacancy occurs proper to be filled by election or appointment. And when a person entitled to hold office has been elected, and has not refused to serve, there is no power to take it from him, or debar him from assuming its duties.

#### NOTICE FOR ANNUAL MEETING.

SECTION 20. It shall be the duty of the clerk to give at least six days' previous notice of every annual district meeting, by posting notices therefor in four or more public places in the district, one of which notices shall be affixed to the outer door of the school-house, if there be one in the district; and he shall give the like notices for every adjourned district meeting, when such meeting shall have been adjourned for a longer period than one month.\*

In order to give publicity to the annual meeting, the statute directs the clerk to post notices therefor in at least four public places in the district, but such notice is not essential to the

\* See Forms, Nos. 11 and 12.

validity of the meeting. The time and place of holding it may always be ascertained by examining the records of the district, and the objection that notice was not duly posted, is not well taken. The foundation of the meeting is the statute, or the order of a previous annual meeting, and not the posting of the notice for it. (6 Hill, N. Y. R., 647.)

It is, however, the duty of the district clerk to give the notice required, for the annual meeting, and for neglect of duty he is liable to a fine, under the provisions of section 124. The notice should embrace the time of day and the place of meeting, and the more important items of business to be transacted, for while the law does not require this to be done, it will help to secure a full attendance, which is most desirable; but it is to be borne in mind that the object of the notice for the annual meeting is to assemble the inhabitants as the local legislature, and that when so assembled, their powers are defined, not by the notice but by the statute.

#### SPECIAL MEETINGS.

SECTION 21. Special district meetings may be called by the clerk, or in his absence by the director or treasurer, on the written request of five legal voters of the district, in the manner prescribed for calling an annual meeting, and the inhabitants qualified by law to vote, when lawfully assembled at a special meeting, shall have power to transact the same business as at the first and each annual meeting, except the election of officers: *provided*, that the business to be transacted shall have been particularly specified in the notices calling the same; and *provided, further*, that no tax shall be voted at a special meeting unless three-fourths of the legal voters shall have been notified, either personally or by leaving a written notice at their places of residence, stating the time, place and objects of the meeting, at least six days before the time appointed therefor.\*

The power granted by the statute to call special meetings should be liberally exercised for the benefit of the district, and it is the duty of the clerk to call special meetings whenever requested to do so by the required number of legal voters. "The word *may* means *must* or *shall* only in cases where the

\* See Forms No. 13 and 14.



public interests or rights are concerned ; and where the public or third persons have a claim *de jure* that the power should be exercised." (5 John, Ch. R. 113.) Our supreme court held, (Cutler vs. Howard, 9 W. R. 312,) "that when public corporations or officers are authorized to perform an act for others, which benefits them, that then the corporations or officers are bound to perform the act. The power is given them not for their own, but for the benefit of those in whose behalf they are called upon to act, and such is presumed to be the legislative intent. In such cases they have a claim *de jure* to the exercise of the power." The fact that the district clerk does not approve of the objects sought by those who request him to call a special meeting, is not a good cause for refusing to accede to the request.

A special meeting may be called to consider an object which has already been considered by a meeting which stands adjourned.

The notice for a special meeting may be given by the director or treasurer in case of a vacancy in the office of clerk, or if that officer is absent, or incapable of acting. All notices for special meetings must "particularly specify" the business to be transacted thereat, nor can business not thus clearly mentioned be legally acted upon. If levying a tax be a part of the business, notices must be posted in not less than four public places in the district, and in addition to this, notice must be served personally upon at least three-fourths of the legal voters of the district.

#### UNION DISTRICTS.

SECTION 22. Whenever two-thirds of the legal voters of any two or more adjoining school-districts shall, at any annual meeting, by vote, determine to form a union district for high school purposes, it shall be the duty of the clerks of the districts so voting to furnish the town supervisors a certified copy of the minutes of said meeting, together with the names of those voting for and against said proposition. Upon receiving such notice it shall be the duty of the town supervisors to determine and establish the boundaries of said union district, and file a copy of such order with the town

clerk. They may also, upon application, include persons and lands in adjoining districts in said union district, according to their discretion.

SECTION 23. The control of such union district shall be vested in a board consisting of a director, treasurer and clerk, who shall be elected in the same manner and hold their offices the same as officers of common school-district boards, subject to the same rules and penalties: *provided*, that the town supervisors shall have power to appoint the first board of such union district.

SECTION 24. The expenses of said union school-district incurred in purchasing or leasing school-houses or sites, in building or repairing school-houses, out-houses, fences, &c., in hiring teachers, and in establishing and carrying on said high school, shall be defrayed by a tax upon the real and personal property of said union district, to be called the union high school tax. Said tax shall be voted by said union district, at its annual or special meetings, and shall be levied and collected in the manner hereinafter provided for the assessment and collection of district taxes. No fee for tuition shall be charged or collected except from scholars not residing in the union district, who may be required to pay such fee as shall be prescribed by the board, which fee or fees shall go into the general fund of said union district.

SECTION 25. The board of said union district shall determine the standard of qualification necessary for admission, the branches to be taught, and the books and apparatus to be used in said high school; and shall have and exercise all the powers granted by law to the boards of common school-districts.

SECTION 26. The annual meeting of the union school-districts shall be held on the Wednesday after the last Monday in September, in each year, and such meeting shall have power to transact all business, as prescribed in section nineteen of this chapter.

SECTION 27. Special meetings may be held as provided in section twenty-one of this chapter.

SECTION 28. When it is proposed to form union districts of territory lying in two or more adjacent towns, then the respective supervisors of those towns shall act in concert in the formation of such union district, as required in the formation of joint common school-districts.\*

SECTION 29. The boundaries of any union school-district, formed in accordance with the provisions of this chapter, may be altered in the same manner that the boundaries of common school-districts are altered; and the provisions of law governing the action of town supervisors in relation to the alteration of common school-districts, shall, so far as the same are applicable, be applied in the alteration of union school-districts: *provided*, that no union school-district shall be disorganized, unless a majority of the electors shall, at an annual meeting, vote for such disorganization.†

\* See Form No. 16.

† See Form No. 9.

SECTION 30. Nothing in this act relating to union school-districts shall be so construed as to impair or affect the organization of primary districts within such union district.

The supervisors have the same authority in carrying out the provisions of the sections relating to union or high school-districts, that are conferred upon them by the statute concerning the formation and alteration of ordinary districts. They have also the additional power to appoint the first board of the union district. The board of the union district has the same powers and privileges as the common school-district board. For specific instructions see remarks upon the organization and alteration of districts, and also upon the duties of district boards.

As no action has ever been taken under the foregoing sections, it is evident that they have not met with favor, and it is recommended to towns in which a desire is felt for the benefits of union and graded schools, to adopt the "Town System" as provided for in chapter 182 of the general laws of 1869, which will be found at the end of this chapter.

#### SCHOOL-DISTRICT OFFICERS.

SECTION 31. The officers of each school-district shall be a director, treasurer and clerk, who shall hold their respective offices for three years, and until their successors shall have been chosen or appointed, but not beyond ten days after the expiration of their term of office, without being again elected or appointed: *provided*, that at the first election of such officers, in any newly organized district, the clerk shall be chosen for one year, the treasurer for two years, and the director for three years; and thereafter each officer shall be chosen for three years. Any person present at a school district-meeting, at which he shall be elected one of the district board, shall be deemed to be notified thereof, and any person so elected, and not present, shall be notified thereof by the clerk of said meeting, within five days thereafter; and unless each person elected and notified shall, within ten days after his election, file with the clerk his refusal in writing to accept the office, he shall be deemed to have accepted the same.\*

The time from the first meeting of a legally organized district to the last Monday of September following (or to the last

\* See Forms, Nos. 18 and 19.

Monday of August following, if the district shall at its first meeting elect to hold its annual meeting on the last Monday of August), no matter how short that time may be, *is to be considered a year*, because all subsequent elections must be at the time fixed for the annual meetings. At the first annual meeting, therefore, after the first meeting of any newly organized district, a new clerk will be elected, for the term of three years. At the second annual meeting, a treasurer is to be elected for three years; and at the third annual meeting a director is to be elected for three years. Thereafter, one officer only is to be elected at each annual meeting, for the term of three years, and in the following order: clerk, treasurer, director. It may sometimes be necessary, however, to elect a district officer to serve out an unexpired term, in addition to the officer elected for a full term.

In case a district establishes a graded school of "two or more departments," then by the provisions of chapter six of the general laws of 1869, it must hold its annual meeting on the second Monday of July; and the term of any district officer that would otherwise have expired in September or August, will be taken to have expired at said meeting in July, and a new incumbent will be elected, and so annually thereafter. (See p. 36.)

The question sometimes arises whether it is proper to elect persons as district officers who are not citizens. As there is no statutory provisions on the subject, a decision of the supreme court is given. In the case of *Off vs. Smith* (14 W. R. 497), it was held that "it is an acknowledged principle which lies at the foundation [of popular governments], and the enforcement of which needs neither the aid of statutory or constitutional enactments or restrictions, that the government is instituted by the citizens for their liberty and protection, and that it is to be administered and its powers and functions exercised only by *them*, and through their agency."



Officers elected at the first meeting of any district are required to file written acceptances, but at the annual meetings succeeding, written acceptances are not required. However, persons not present at an annual meeting must be notified if elected to office ; and, unless a person who has been notified of an election shall, within ten days after his election, file with the clerk his refusal to serve, he shall be deemed to have accepted the office. A verbal refusal to serve, or inattention to the duties of the office does not create a vacancy. A person elected should therefore serve, or signify his refusal to serve in a legal way, and within the legal time.

#### DUTIES OF DIRECTOR.

SECTION 32. It shall be the duty of the director of each district to countersign all orders legally drawn by the clerk upon the treasurer of the district.

SECTION 33. The director shall appear for and on behalf of the district, in all actions brought by or against the district, when no other direction shall be given by the qualified voters of such district, at a district meeting.

SECTION 34. In case of any breach of the condition of the treasurer's bond, the director shall cause an action to be commenced thereon, in the name of the district, and the money, when collected, shall be applied by such director to the use of the district, as the same should have been applied by the treasurer.

The director is required to countersign orders *legally* drawn, and it is his duty to know that an order presented to him for his signature is drawn in accordance with law, before he affixes his name thereto. The object of this provision of the law is to protect the interests of the district.

By sub-section *thirteen* of section nineteen, the district has power, at any meeting duly called, to give such direction, and make such provision, as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or be interested ; and unless some other person is designated to appear in behalf of the district, the director is required to bring suit and to carry out the will of the meeting. The director has not power under the statute to bring suit, upon his own motion, in behalf of

the district, except in case of breach of the condition of the treasurer's bond. In this case, it is his duty to commence proceedings to protect the interests of the district, at once, without waiting for the action of a district meeting.

If an action is commenced against the district, the director must appear in behalf of the district, without waiting for authority from a district meeting. The district, may, however, designate some other person to act as their representative in the defense.

#### DUTIES OF TREASURER.

SECTION 35. The treasurer of each district shall, within ten days after his election, execute to the district and file with the clerk, a bond in double the amount of money, as near as can be ascertained, to come into his hands as treasurer, with sufficient sureties, to be approved by the director and clerk, conditioned for the faithful discharge of the duties of his office, and if he shall fail to do so, his office shall be vacant, and the board shall thereupon appoint a treasurer, who shall be subject to the same conditions and possess the same powers as if elected to that office.\*

A neglect to file the bond, completed and approved, within ten days, as the law directs, vacates the office. Filing it with the approval of *one* member of the board only, or after the time expires, is of no effect. It is obviously improper for either the director or clerk to become surety for the treasurer.

SECTION 36. Whenever the director and clerk of any school-district shall deem the security upon the bond of the treasurer insufficient, they shall have the right to demand additional security, and the refusal or neglect of the treasurer to furnish such additional security, within ten days thereafter, shall vacate his office.†

The power granted the clerk and director, by this section, should be exercised whenever the interests of the district demand it. No good citizen will regard the exercise of this power as an imputation upon his character. Whenever the security on the bond is not such as the law requires, it is obviously the duty of the treasurer to furnish additional secu-

\*See form No. 20.

†See form No. 21.

urity, and it must be done promptly, within ten days, just as in the original filing of the bond.

Under the present United States tax law the treasurer's bond must bear a one dollar revenue stamp.

**SECTION 37.** It shall be the duty of the treasurer of each school-district to apply for and receive from the town treasurer all school moneys apportioned to the district or collected for the same by the said town treasurer, and to pay over on the order of the clerk and director of such district, all moneys received by him.

The district treasurer can ascertain the amount of money to which his district is entitled, by examining the certificate of apportionment on file in the town treasurer's office, which that officer receives from the town clerk. The district treasurer should pay all legal orders in the order of presentation, when no special direction appears upon the order to the contrary.

**SECTION 38.** The treasurer shall keep a book in which he shall enter all the moneys received and disbursed by him, specifying particularly the sources from which money has been received, and the person [persons] to whom and the objects for which the same has been paid out. He shall present to the district at each annual meeting a report in writing, containing a statement of all moneys received by him during the preceding year, and of the disbursements made by him, with the items of such disbursements, and exhibit the vouchers therefor, and at the close of his term of office, shall settle with the district board, and shall hand over to his successor said book, and all receipts, vouchers, orders and papers coming into his hands as treasurer of the district, together with all moneys remaining in his hands as such treasurer.

It is a duty which the treasurer owes [to himself, as well as to his district, to keep an accurate record of his accounts, so as to be able to present a clear and satisfactory statement of the transactions of the year. The account required to be kept by section 38, may be a simple cash account, in which the treasurer *personally*, and in his individual name is charged with all school moneys received by him, and credited with each payment, specifying the date, the person to whom and the account on which it was made. It is convenient and will conduce to accuracy to number each credit consecutively, and to affix the same number to the order to be produced in proof of

payment, and in support of such payment. This account should be kept in a book well bound, and a transcript of such account should be made, and with the proper vouchers presented to the annual meeting. This transcript should be examined by a committee appointed by the meeting, and should be indorsed by said committee as having been examined and found correct, if the committee find it regular in all respects. When at the close of his term of office, he settles with the district board as required by law, the board should enter upon the original account in the blank book, their certificate that they have examined such account up to and including the last preceding entry (giving its date) and the vouchers therefor, and that they find the same correct.

The law relative to embezzlement of money is substantially as follows:

“If any person having in his possession any money belonging to this state, or any county, town, city, or *other municipal corporation* \* \* \* or if any collector or treasurer of any town or county or incorporated city, town or village, or any other person holding an *office under any law of this state* \* \* \* who shall willfully *neglect or refuse to pay over* the same, or any part thereof, according to the provisions of law \* \* \* shall be deemed and adjudged to be guilty of an embezzlement. \* \* \* And every refusal by an officer to pay any sum lawfully demanded, shall be deemed an embezzlement of the sum so demanded. Any person demanding of any officer any sum of money which he may be entitled to demand and receive, who shall be unable to obtain the same by reason of the money having been embezzled as aforesaid, if he shall neglect or refuse, for thirty days after making such demand, to make complaint against such officer, shall be deemed an accessory, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars.” (R. S. chap. 165, secs. 30, 31, 32.)

The law is thus exceedingly stringent, and must be complied with fully.

Section 3<sup>rd</sup> of chapter 14, revised statutes, will give directions as to the proper course of procedure whenever a judgment has been rendered against the treasurer for any breach of the conditions of his bond. Upon proper application to the governor it is made his duty to declare the office vacant. The vacancy will be filled as other vacancies are filled.



## DUTIES OF CLERK.

SECTION 39. It shall be the duty of the clerk of each school-district, within ten days after the election or appointment of any school-district officer, to report the name and post-office address of such officer to the town clerk of his town, or, in case it be a joint district, to the town clerk of each town in which any part of the district is situated; to record the proceedings of the district board, and of each district meeting, in a book to be provided by the district for that purpose; to enter therein copies of all reports made by him to the town clerk; to make therein, or in some suitable book provided for that purpose, an accurate record of all orders drawn upon the treasurer, and to keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office.

Under our law the power of the clerk is such that the prosperity of the school of his district depends greatly upon the manner in which he discharges his duties.

The importance of full and accurate records cannot be too strongly enforced. The record book of the district should contain a full history of its school affairs. Dates, names, resolutions, votes, etc., should be given with such exactness that no trouble can arise, which a reference to its pages will not help to settle. Financial statements and reports should be spread out on the record book. Documents that are merely filed are soon lost.

Every clerk of a district should feel, that by a proper discharge of his duty in keeping his records with fidelity and neatness, he may leave an honorable memorial of himself, that shall last while his district exists.

SECTION 40. It shall be the duty of the clerk to draw orders on the treasurer of the district, for moneys in the hands of such treasurer, which have been apportioned to or raised by the district, to be applied to the payment of the wages of legally qualified teachers, who have been employed by him, with the consent of the director or treasurer, to teach the school of such district, and also to draw orders on said treasurer for moneys in his hands, to be disbursed for any other purpose for which the same shall be voted by the district, agreeably to the provisions of section nineteen of this chapter: *provided*, that each order shall designate the object for which and the fund upon which it is drawn, and shall be countersigned by the director; *and provided further*, that no order for the payment of

teachers' wages shall be drawn, countersigned or paid, which is in favor of any person who has taught the school of said district, when not holding a certificate of qualification from the county superintendent, or (in case of appeal) from the state superintendent.\*

As the clerk has no authority to contract with a teacher who does not hold a legal certificate of qualification, so also any use of public funds, from whatever source received, for the payment of teachers not legally qualified, is a palpable violation of law. It is the duty of the clerk to see and know that the person employed is legally qualified and entitled to teach. It is no less the duty of the director to refuse to countersign, and of the treasurer to refuse to pay orders drawn in violation of law; and these officers are bound to know that orders are legal before they recognize them as valid.

The order for payment of the teacher's wages can be drawn only in favor of the teacher. If he is desirous to apply his wages to the payment of a private debt, he can indorse the order to his creditor, but it is for him and not for the clerk, to distribute his wages.

SECTION 41. He shall be the clerk of the district, and of all district meetings, but if he shall not be present at any district meeting, the qualified voters may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district.†

The clerk cannot properly refuse to record the proceedings of a meeting that he was opposed to calling. And although he may think the proceedings illegal, it is his duty nevertheless faithfully to record them. If illegal, they may be set aside by competent authority, on appeal; and the record of the clerk is of importance in deciding the question.

#### EMPLOYMENT OF TEACHERS.

SECTION 42. The clerk shall contract with and hire duly qualified teachers for and in the name of the district, which contract shall be in writing, and shall have the consent of the director or treasurer, or both, indorsed thereon, and shall specify the wages per week, month or year, as agreed upon by the parties; and said coa-

\* See Form No. 23.

† See Form No. 23.

tract so completed shall be filed in the office of the district clerk, with the certificate of the teacher so employed, attached thereto, and a copy of such contract shall be furnished by the clerk to the teacher: *provided*, that a majority of the board may, by an order filed with the clerk, or a memorandum in the district record book, said order or memorandum being subscribed by them, fix the time when the several terms of the school, or any of said terms, shall open; and if the clerk shall fail to hire a suitable teacher before the term so fixed, then the district board shall hire and contract with a qualified teacher, and a majority of the board shall constitute a quorum for the transaction of business.\*

It is very important that the provisions of this section be carefully observed. In negotiating for a teacher the clerk should first of all ascertain that the person is legally "qualified." The only sufficient evidence of this is an unexpired certificate from the proper superintendent. If the county be divided into two superintendent districts, the certificate must be from the superintendent of that division of the county in which the school is to be taught. If not, it is invalid. In case of a joint district not wholly within the jurisdiction of one superintendent, the certificate must be from the superintendent within whose jurisdiction the school-house is situated. (See section 107). A certificate has no validity or force beyond the county or jurisdiction within which it is given, although "indorsed" by some other superintendent. This is the opinion not only of this department, but of the attorney general, who says: "This [an indorsement] is clearly not what the law requires, nor is it *equivalent to the certificate which is required by law*. If the legislature had intended that the certificate of one superintendent might be *adopted* (by indorsement) by another, it would have so provided."

An understanding may be had with a teacher who is awaiting examination, but a contract with a person who holds no certificate is not only void, but a fraud upon the district. If a teacher's certificate will expire during the term of school, care must be taken that it be renewed in season. It is better that the certificate be renewed before the school begins.

\* See Form No. 24.

Before engaging a teacher the clerk should consult the other members of the board. The neglect of this often creates serious trouble. As the contract is of no force unless indorsed by at least one other member of the board, the clerk should not presume upon their consent. It is his more especial duty to look out for a teacher, but the law did not intend to constitute him the sole representative of the district, in selecting a teacher, or the sole judge of the teacher's fitness for the place. Harmony of action in this matter is very important to the prosperity of the school and the welfare of the district.

There is no authority for making a contract whereby the teacher engages to board with the parents of the children. It cannot be enforced on the inhabitants. The best arrangement is to give the teacher a specific sum and let him board himself.

The amount of the compensation to be paid to teachers is within the discretion of the clerk and one other member of the district board, except in the case where the clerk fails to discharge the duty imposed upon him by law, and the majority of the board become authorized to fix it. The inhabitants have no legal power to control district officers in this respect, nor in the selection of individuals to be employed, though the board would act unwisely in disregarding the preferences and wishes of the people, when reasonable and just.

There is little probability that school officers will make the compensation too high. The wages of good teachers are generally quite inadequate. To employ a poor teacher at any price is wretched economy.

A teacher having been legally employed, cannot properly be dismissed during the time for which it was to continue, without some violation of the contract on his part, unless his certificate of qualification is annulled by competent authority. If the board discharge the teacher on the ground that he has failed to fulfil his contract, of course it takes the risk of being able to prove such failure, in case the teacher claims damages,



or demands his wages for the whole time for which he was engaged.

Although the employment of a member of the district board is not prohibited, yet the practice ought to be discouraged. The fact that the teacher is one of the board naturally excites a suspicion that he may have been able to make a contract more advantageous to himself, and less so to the district, than if some other person had been employed. Those who hold public trusts should carefully avoid putting themselves into situations where their private interests may conflict with an impartial discharge of their public duties. These remarks may also apply to the practice of employing any near relative of a member of the district board as a teacher.

It was held by the supreme court of New York, in the case of *Foster vs. La Rue*, (15 Barb. 323,) "that where a person is employed for a corporation, by one assuming to act in its behalf, and renders services according to the agreement, with the knowledge of its officers and without objection on their part, or notice that the contract is not recognized, such corporation will be held to have sanctioned the contract and will be compelled to pay for the services according to the agreement;  
\* \* \* but when the contract is still executory, and nothing has been done under it, and the action is to recover damages merely for non-performance, it is for the plaintiff to show a legal contract binding upon the corporation."

The proviso in this section is not designed to deprive the clerk of authority to contract with and hire duly qualified teachers, but to enable a majority of the board to employ a qualified teacher, in case the clerk neglects to perform his duty. The time fixed by the board for the opening of the school should be such as to enable the clerk, by due diligence, to find a teacher, and it does not become their duty to hire a teacher unless the clerk has failed to hire a suitable one at the time so fixed. By the word *suitable* is here meant *legally qualified*, and if the clerk does his duty under the law,

his action will be sustained, unless good reasons can be shown why the director or treasurer should refuse to assent to the contract made by him. In case of the action of the board in hiring a teacher, every member of said board must be notified of the meeting. The director and treasurer have no power to act in this matter independently of the clerk, unless after due notice he fails to attend the meeting of the board. (See section 46.)

#### ANNUAL DISTRICT REPORT.

**SECTION 43.** It shall be the duty of the clerk, between the first and tenth days of September, in each year, to make and transmit to the town, city or village clerk a written report, dated on the first day of September of the year in which it shall be transmitted, signed by said district clerk and verified by his affidavit, showing :

*First.* The number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the district on the last day of August previous to the making of such report, and the names of the parents or other persons with whom such children did respectively reside on the 31st day of August preceding such report.

*Second.* The whole number of children, male and female, each designated separately, taught in the district school during the year for which such report is made, by teachers duly qualified, and the sum of the days attendance of all such children upon the school.

*Third.* The number attending school (male and female being designated separately) during the year, under the age of four, and the number over the age of twenty years, and the sum of the days attendance of all such children upon the school.

*Fourth.* The whole time in days any common school has been taught in the district, including holidays, and the whole number of days, including holidays, such school has been taught by teachers qualified according to law, during the year ending on the thirty-first day of August preceding the making of such report.

*Fifth.* The names of all teachers employed during the year covered by the report, the number of days taught by each, including holidays, and the monthly wages paid to each.

*Sixth.* The amount of money received from the town treasurer, the amount received from district taxes, and the amount received from all other sources during the year ending on the thirty-first day of August preceding the date of the report, and the manner in which the same has been expended.

*Seventh.* The kind of books used in the school.

*Eighth.* Such other facts and statistics in relation to the schools, public or private, in such district, as the superintendent of public instruction may from time to time require.\*

\* See Forms Nos. 25 and 26.

Blank forms for the reports of district clerks are annually prepared by the superintendent of public instruction, with printed instructions in regard to the mode of filling them up, and are transmitted through town clerks to the district clerks. These blanks will, from time to time, require other information in addition to that specified in the above section, in order to enable the superintendent to lay before the legislature a full report of the educational affairs of the state. It is of the highest importance that the annual district report should be promptly completed and deposited with the proper town clerk. Some explanations are given below in reference to each of the foregoing sub-sections:

1. The school year begins on the first day of September and ends on the last day of August.

The law requires that the names of parents or other persons, with whom children to be enumerated reside, shall be written. The greatest care must be exercised in taking the census of the children of the district.

For remarks on *residence*, see commentary on section 8. Domesticities composing a part of the family, if less than twenty years of age, are to be enumerated. Mere *boarders* or *lodgers* are not to be included in the enumeration, for they are presumed to belong to families residing in some other district of the state; but persons who pay for their board and lodging by devoting a part of the day to work, in the service of the household, while the rest is spent in attendance at school, and who have no other legal residence, are considered as constituting members of the families with whom they reside. It must be borne in mind that the enumeration of one year is the basis of the apportionment of the next, and hence children should be enumerated in the district that is bound to furnish them instruction, that such district may receive an apportionment on their account, and care should be taken that children are not enumerated in two districts. (See remarks on page 50, under sub-section *eleventh*.)

Those children, whose parents do not reside in this state, should be included in the school census; providing such children reside in a family of a district, and not in a mere boarding school or other establishment for the purpose of education. Children in an orphan asylum are deemed the wards of the incorporated association that has them in charge, and are not to be included in the enumeration. Children in poor-houses do not acquire a residence in the district where the poor-house is situated, nor can they be enumerated in such district.

All persons more than four and less than twenty years of age, who are themselves the masters or mistresses of families, are to be enumerated.

The law requiring districts with graded schools (see p. 35) to hold their annual meeting the second Wednesday in July does not at all affect the provisions of the foregoing section. In making the annual report, the school year will be taken to end the 31st day of August, as before, and the school census will be taken at the usual time.

2. The whole number of children, male and female designated separately, who have received instruction from legally qualified teachers, since the first day of September of the year preceding, is to be stated, without regard to the fact of their attendance having been long or short, or of their parents having been residents or non-residents. The sum of the days attendance must be ascertained by an examination of the register of the school, which every teacher is required by law to keep, under the supervision of the district board.

3. It is to be hoped that the annual reports will show few in attendance at school less than four years of age. All that children need to learn before they are six years of age ought to be taught them at home.

4. The legal holidays in this state are New Year's Day, the twenty-second of February, the Fourth of July, Christmas, and days of thanksgiving, appointed by national or state au-



thority. It is required that the whole number of days a school has been taught by a qualified teacher be stated, in order that the town clerk may apportion money to such districts only as have complied with the law. A district, to be entitled to share in the annual apportionment of the income of the school fund, must maintain a school at least five months of twenty-two days each, including legal holidays, and such school must be taught by a legally qualified teacher.

5. The monthly wages paid to a teacher includes all expenses incurred by the district on his account for board. If the district boards the teacher, the cost of board is to be added to the amount of monthly pay, and the sum of the two items constitutes his monthly wages.

For directions in regard to making the annual report, the clerk will carefully study the blanks which are furnished by the department of public instruction. In case a clerk fails to receive the blanks needed in time to make his annual report as required by law, he should, without delay, notify the state superintendent of the fact, that they may be sent.

SECTION 44. The clerk of each joint school-district shall report to the town clerk of each town a part of which is embraced in such district, the number of children residing in such part, in the manner set forth in the preceding section, and the number of days a school has been taught in the district by a qualified teacher, and the remainder of the items specified in the preceding section shall be embraced in the report made to the clerk of the town in which the school-house is situated.\*

The clerk of a joint school-district must report to the town clerk of each town, a part of which is embraced in his district, the number of children, male and female designated separately, over the age of four and under the age of twenty, residing in that part of the district lying in the town, to the clerk of which the report is sent. Care should be taken not to report to any town clerk a greater number of children over four and under twenty years of age than reside in that part of the district lying within his town. In some instances the whole

\*See Form No. 26.

number of children in a joint district is reported to each town clerk, causing the district to receive more than its share of school moneys distributed. This should be carefully avoided. He must also report the names of the parents or other persons with whom such children resided on the 31st day of August, preceding such report. He must also report to each town clerk, whose town embraces any part of the district, the number of days a school has been taught in his district by a legally qualified teacher during the year covered by the report. This is obviously necessary to enable the town clerk to determine whether he can legally apportion money to the district.

In addition to the foregoing items, the clerk of a joint school-district will report all the other items called for in the general blank, to the clerk of the town containing that part of the district in which the school-house is situated.

#### SCHOOL REPORTS FROM CITIES.

As will be seen by the law given below, cities are now required to make their annual reports directly to the state superintendent.

#### *Chapter 128—General Laws, 1870.*

**SECTION 1.** Each city of this state which is not under the jurisdiction of a county superintendent, in the matter of supervision of schools and examination of teachers, shall hereafter make the annual report required by sections 43, 57 and 139 of chapter 155 of the general laws of 1863, direct to the state superintendent of public instruction, instead of to the county superintendent.

**SECTION 2.** In all cities having a superintendent of schools, said superintendent shall make the report as aforesaid, and in cities having no superintendent of schools, the report shall be made by the clerk of the board of education.

**SECTION 3.** The state superintendent shall furnish suitable blanks on which to make the reports, and no school moneys shall be apportioned to any city for any year for which the report shall not show that the number of children residing therein between the ages of four and twenty years, has been ascertained by an actual census taken by the city superintendent of schools, the clerk of the board of education, or some person or persons authorized to take such census by the aforesaid officers or other authorities of said city.

**SECTION 4.** All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

## SCHOOL REGISTER.

SECTION 45. The clerk of each school-district shall furnish, at the expense of the district, a school register, in the form prescribed by the superintendent of public instruction, in which every teacher employed by the district board shall be required to enter the names, ages and studies of all scholars attending school, and daily their attendance and absence, and such other facts as the county superintendent or state superintendent may require, which register the teacher shall deliver to the clerk at the time he shall cease to be employed by such district, or at any other time when the same may be required for the use of the district board; and the teacher shall make in writing, and transmit to the district board, or to the county superintendent, a report concerning any matter relating to his school, in such form and manner as said board or superintendent may prescribe.

It is the duty of the clerk to promptly furnish the teacher with the register, and to call his attention to section 131 of the school law, which provides that, for willfully neglecting or refusing to comply with the requirements of law, relative to keeping the school register, he shall forfeit his wages.

The form for a school register is given in the appendix (No. 27). Economy will be best subserved in the end, if a good and substantially bound book is procured for this purpose. Registers are not supplied by this department, but may be obtained at the bookstores.

The clerk should require the teacher to return the school register, at the end of the term for which he is employed, and should ascertain that it has been properly kept, before he draws an order on the treasurer in payment of the teacher's wages. He should also frequently examine the register during the term, in order to secure that accuracy in the method of keeping it, which will enable him to make a reliable report to the town clerk. Teachers are required by this section, to render reports relating to their schools, and a refusal so to do is sufficient cause for annulling a certificate, or discharging the teacher thus violating the law.

## DUTIES AND POWERS OF THE DISTRICT BOARD.

SECTION 46.\* The director, treasurer and clerk shall constitute

\* Amended by chapter 108 of the general laws of 1868.

the district board. Meetings of the board may be called by any two members thereof by serving upon the other member a written notice of the time and place of such meeting, at least twenty-four hours before such meeting is to take place.

It will be seen by this section as it stands amended, that the powers conferred by law upon the district board must be exercised by the board, meeting and deliberating at the same time and place, and not by one or two forming a determination and obtaining the assent of the absent. The decision of a majority at a meeting properly called is the decision of the board, but the decision of a majority or even of all three, under other circumstances, is not the decision of the board. It is merely the concurrent opinion of the members of the board, and is no more the *decision* of the board than the concurrent opinion of the members of the legislature, arrived at by taking their separate votes at their respective homes, would be an act of the legislature. The law supposes that a majority may be convinced by a minority and change its determination, and therefore will not allow the majority to act without giving the minority due notice to participate.

It is held in 16 Maine R. 185, that the dismissal of a teacher by two, a majority of the board, was illegal, because the third was not notified, although he was out of town. The court say, "That does not allow the majority to dispense with the rule requiring notice. They are not in such cases constituted the judges whether the notice would be effectual to secure his attendance. Nor would it be entirely safe to entrust them with such a power, as it would afford an opportunity to select an occasion, when they might judge that a notice would be ineffectual, and thus, by neglecting to give it, free themselves from the presence of a dissenting minority. It may often happen that those will be able to attend, who were believed to be so situated that their attendance could not be expected. Nor is there any difficulty in giving the requisite notice in such cases, as one left at the usual place of residence would be sufficient."



In case of a vacancy in the district board, those in office possess all the powers of a full board for the purpose of filling such vacancy.

If two vacancies exist at the same time, the remaining member cannot fill them. It must be done by the town clerk.

A duty merely ministerial in its character, such as the execution of a determination of the district board, may be performed by a single member.

**SECTION 47.** The district board shall purchase or lease such a site for a school-house as shall have been designated by the district, in the corporate name thereof, and shall build, hire or purchase such school-house out of the funds provided for that purpose, and make sale of any school-house, site or other property belonging to the district, and, if necessary, execute a conveyance of the same in their name of office, when lawfully directed by the qualified voters of such district, at any annual or special meeting.

A school-district is a corporate body, and as such has perpetual succession and existence in its corporate name, and the capacity to hold real and personal estate for its corporate purposes. It possesses this power as a legal body, wholly distinct from the individuals which from time to time compose it. The district can act as a corporation only through its officers. The power to purchase or lease a site for a school-house, or to build, hire or purchase a school-house, or to sell any school-house, site, or other property belongs exclusively to the district board. It is often the case that a building committee is appointed by the district to superintend the erection of a school-house. So far as a building committee aid the board by their advice and service in carrying out the wishes of the people of the district, there can be no objection. But the district board alone has power to bind the district by a contract, written or verbal, and the district has no power to supersede them by appointing a building committee, or any other agents. The district may, however, through a committee, procure plans and specifications for a school-house, and may select such plan as is deemed suitable, and limit the power of the district board to making a

contract for erecting a house according to the plan and specifications adopted.

This is the only way of controlling the district board. It rests with the board to accept or reject the work, unless the people, in district meeting, have appointed, or provided for the appointment of other arbiters. This may be done, by directing it to be inserted in the contract with the builder, that the sufficiency of the materials and workmanship under the contract shall be determined by persons named in the resolution.

A stringent contract, which in all cases should be in writing, with proper provisions for the adjustment of any questions that may arise under it, will relieve the district board from much personal responsibility and trouble, as well as prevent quarrels and perhaps litigation, which are in any event disastrous.

The inhabitants of a district, assembled in district meeting, should give plain and specific instructions to the district board in regard to the matters referred to in this section. All votes relating to purchase or sale of site, school-house or other district property should be taken by ayes and noes, and all proceedings should be entered at length upon the record book of the district.

SECTION 48. The said board shall have the care and keeping of the school house and other property belonging to the district, except so far as the same shall be especially confided to the care of the clerk, including all books purchased by the district for the use of any children, and the said district board shall have power to purchase a record book, in which the proceedings of the meetings of the district and of the district board shall be recorded, and a book for keeping in proper form the treasurer's accounts, together with such blanks and stationery as are necessary for doing the business of the district in an orderly and business-like manner, and the clerk of such district may include the amount of such purchase, including the cost of the school register, in any tax to be collected in such district.

The board has exclusive control of the property of the district, including the school-house, unless it shall be especially confided to the care of the clerk. In either case it is important

that the trust be faithfully discharged—that the furniture, books, fences, grounds, out-houses, etc., be carefully looked after. It will be convenient to devolve this care especially upon the clerk.

The question often arises as to what use may be made of the school-house. This question may be viewed in two aspects: that of custom, and that of law. It has been customary to allow school-houses to be used, at proper times, for religious, literary and other meetings; and so long as no injury is done to the property and no detriment arises to the school from such use of the school-house, it is unobjectionable. It is often the only place in the neighborhood in which any kind of public meeting can be held, and the board will not usually be blamed for allowing a discreet use to be made of the building. But on the other hand if even a minority are opposed to having the school-house used for any other than school purposes, it is better for the board not to allow the house to be opened. By taking this course, they will be most likely to avoid trouble, and will keep within the sanction of the law.

It may be urged that as the school-house is the property of the district, the electors may permit it to be used for any purpose they may think proper, or that a majority may legally *authorize* the school board to open the school-house for other than school purposes. It was held, however, by our supreme court, in the case of school-district No. 8, vs. Arnold and another (21, W. R. 657,) that “although the school-house is the property of the district, it does not follow that the electors may divert it from its original use. There may be others besides the electors interested in the school-building, and whose rights would be affected. Tax-paying females, non-resident tax-payers and others might have reason to complain if the building was used for other than school purposes.”

What the district has no power to do, legally, or to authorize to be done, the board cannot *legally* do, on their own motion. They can grant no *right* to use the district property for

any other purpose than that of a school-house. They can by their acquiescence estop themselves from bringing an action for the act of entering the school-house which would otherwise be a trespass. In case the board authorize the use of the school-house for other than school purposes, contrary to the known wishes of any portion of the district, such use may be called in question by legal proceedings, and if the house has been injured, the board will be held liable for damages.

The law does not prescribe nor has the state superintendent directed that any particular kind of record or account books shall be purchased. The board should obtain such as are suited to the wants and means of the district.

SECTION 49. The district board shall provide the necessary appendages for the school-house, and keep the same in good condition and repair during the time a school shall be taught therein; and they shall keep an accurate account of all expenses incurred by them, and present such account for allowance to the qualified voters, at a regular district meeting; and the amount of such account, as allowed by such meeting, may be assessed and collected in the same manner as other district taxes, but no such account shall be allowed at a special district meeting, unless the intention to present the same shall be specified in the notice for such meeting.

It is the duty of the district board to provide the necessary appendages for the school-house without waiting for instructions so to do from the people of the district. They are also required to keep the school-house in good condition and repair during the time a school shall be taught therein. This duty should be promptly and efficiently performed. Under this section the board has power to cause to be built suitable out-houses, and to provide blackboards, etc., necessary to the successful management of the school.

SECTION 50. The said board shall have power to fill by appointment any vacancy that may occur in their own number, within ten days after such vacancy shall occur, and if such vacancy shall not be filled within ten days, as aforesaid, by said board, it shall be the duty of the town clerk to fill such vacancy by appointment. Any person appointed to fill a vacancy, upon being notified of such appointment, shall be deemed to have accepted the same, unless he shall, within five days thereafter, file with the clerk or director a



written refusal to serve; and any person appointed to fill a vacancy, shall hold the office until the annual meeting succeeding such appointment.\*

Vacancies may occur, occasioned by death; refusal to serve (see comment upon section 31, p. 59); removal from the district; resignation of office; conviction of crime; expiration of term of service; and, removal from office by the governor or county judge.

The power of the district board and town clerk under this section to fill vacancies, is confined to vacancies resulting from the foregoing causes. They are not authorized to set aside an election on the ground of a legal incapacity existing at the time, and which the voters disregarded. They must of necessity, decide in view of the facts, that a vacancy exists, and in the order making the appointment, the facts which have caused the vacancy, should be stated.

In case of expiration of a term of service and no election to fill the vacancy, it is to be understood that the term does not actually expire until ten days after the annual meeting. The board then has power, for ten days, to fill the vacancy, and the town clerk has therefore no power to fill it, until twenty days after the annual meeting.

A person should not be re-appointed who refuses to serve, or whose resignation has been accepted. The statute regards the penalty imposed for refusal to serve as an equivalent for the service. (See section 124).

In case of appointment, the term of office of the appointee expires at the next annual meeting, and if a successor is not then elected, the incumbent cannot hold the office more than ten days after the annual meeting. It then becomes the duty of the board to fill such vacancy, and if they neglect to fill it, this duty devolves on the town clerk. In case it becomes thus necessary to fill a vacancy in a joint district, although the law does not distinctly so prescribe, it may be held to imply, that the appointment should be by the joint action of the clerks of

\* See Forms Nos. 30, 31 and 32.

all the towns concerned, as in the case of the alteration of joint districts by town boards.

SECTION 51. The district board may purchase, at the expense of the district, when parents or guardians may not be able to furnish the same, such school-books as in their judgment may be necessary for the use of any children attending school in their district, and they may include the amount of such purchase in any tax to be collected in such district.

A correct account of all purchases made under authority of this section should be kept, and submitted to the annual meeting. The books thus purchased do not become the property of those using them. They belong to the district, and the teacher should be directed to see that they are returned at the close of the term, and that they are preserved as other books belonging to the district.

SECTION 52. The board shall have power to make all needful rules and regulations for the organization, gradation and government of the school or schools established in the district; said rules to take effect and be in force when a copy of the same, signed by a majority of the board, shall be filed with the clerk; to suspend any pupil from the privileges of the school for non-compliance with the rules established by them, or by the teacher, with their consent; and to expel from the school any pupil who shall persistently refuse or neglect to obey the rules and regulations above mentioned, whenever, upon due examination, they shall become satisfied that the interests of the school demand such expulsion.

The rules and regulations adopted by the district board should be recorded in their minutes, and a copy thereof should be posted in the school-room. The rules should be such as the good of the school seems to require. They should be comprehensive and reasonable. They should be so framed as to *aid* the teacher rather than to *supplant* him. The district board have full authority to organize, regulate, grade and classify the school, but in all matters of this kind they will act under the advice, and so far as practicable, with the consent of the teacher. The teacher, in the school-room, is the *executive* officer of the board. He must govern the school under the law, and according to such rules as are made in accordance

therewith. The rules and regulations made by the board must guide him until they are set aside by competent authority.

The board have authority to suspend any pupil from the privileges of the school for non-compliance with the rules established by them, or by the teacher with their consent. The right to attend a common school is a common, not an exclusive personal right. The supreme court of Massachusetts (8 Cush. Mass. R. 164) says in reference to this right, "like other common rights (that of way for instance), it must be exercised under such limitations and restrictions, that it shall not interfere with the equal and co-extensive rights of others. Take the case of a contagious disease: can it be doubted that the presence of a pupil infected could be lawfully prohibited, not for any fault, or crime, or wrong conduct, but simply because his attempt to insist on his right to attend, under such circumstances, would be dangerous and noxious, and so an interruption to the equal and common right." In the same case, the court held that school officers have a right to exclude a child for open, gross immorality, manifested by licentious language, manners and habits, though not manifested by acts of licentiousness or immorality within the school; for, says the court, "it is as necessary in the unreserved intercourse of pupils of the same school, as well without as within its precincts, to preserve the pure minded, ingenuous and unsuspecting children of both sexes from the contaminating influences of those of depraved sentiments and vicious propensities and habits, as from those infected with contagious diseases."

While there can be no doubt that the board have the power to exclude a child, not for punishment merely, but for the protection of others from vicious influences that would defeat the object for which the school is organized, yet we are not to forget that humanity dictates that we deal gently with erring childhood. Education seeks to deter from vice, and also to reclaim those who have become vicious through parental neglect or parental example. Remonstrance and persuasion must

be exhausted before suspension from school can be justified. Expulsion from school is justified only by such insubordination on the part of the pupil as to render it impossible to maintain order and discipline without excluding him. The district board should, however, exercise this power, only after an earnest effort to avoid a resort to it. Teachers are not without infirmities, and their calling sometimes aggravates them; and it is the duty of the board to know that there has been no oppressive exercise of power, which has led to the insubordination that is made the occasion of a punishment so severe. Power must always be tempered by benignity, and justice must be administered in the spirit of mercy.

In case the board neglects to make and establish rules, as provided for in this section, the teacher is not therefore inhibited from managing and governing the school according to his best judgment, nor can any advantage be taken of the fact that his rules have not been consented to by the board. In case of serious insubordination he should call upon the board to sustain his authority; and when so called upon, the board should be careful not to weaken his authority by criticising his conduct before the school.

**SECTION 53.\*** The board in each school-district shall have power, under the advice of the superintendent of public instruction, to determine what school and text-books shall be used in the several branches taught in the schools of such district. They shall make out a list of books to be used in each branch of study pursued in such school, and shall file a copy of such list with the district clerk, and put up one copy in the school-house of such district; and when said list of books is adopted, it shall not be changed for the term of three years; and any member of a district board in any school district in this state, or any member of the board of education of any city or incorporated village of this state, in which a list of text-books has been adopted according to the provisions of this section, who shall, within three years from the date of such adoption, order a change of text-books in such district, shall forfeit the sum of fifty dollars.

It is unwise in the district board to make sudden and sweeping changes in text-books. Such changes as are necessary to

\*Amended by chapter 156 of general laws of 1868.



secure uniformity in the school should be made. This is so obvious, and so generally admitted as to need no argument. The board should determine, by resolution, what school and text-books shall be used, and then, after duly recording the resolution, and posting a copy in the school-room, they should see that the books adopted are introduced and used. While the power to select books is left by law exclusively in the hands of the district board, it is, nevertheless, proper for them to consult with teachers in regard to the subject.

In selecting text-books all works of a controversial or sectarian tendency should be excluded.

After a series of books, or any single book, map or chart, card, &c., has been adopted, no other work on the same subject can be substituted for such series, book, map, &c., within three years, but a new book, on a new subject of study, may be added to the list at any time. The law does not require that the list should be changed every three years, but it expressly prohibits changes in text-books until they have been in use three years; and it will be observed that a penalty is now attached to the violation of the law.

School officers will find in the annual report of the superintendent of public instruction, such recommendations in regard to text-books, as that officer, in the discharge of the duty imposed upon him by statute, has to make.

**SECTION 54.** It shall be the duty of the district board to visit the school or schools under their care, to examine into the condition of the school and the progress of the pupils, to advise and consult with the teacher in reference to methods of instruction, management and government, and to exercise such general supervision as is necessary to carry out the provisions of this chapter.

A careful performance of the duty imposed by this section would increase the efficiency of our schools. The members of the district board should visit the school frequently. These visits should be informal, and should be marked by courtesy towards the teacher, and kindness towards the pupils; but classes should be examined, and the management of the school

should be carefully observed. An arrangement that will enable the members of the board to visit the school in turn, and that will secure a report in writing from each person visiting it, is very desirable.

The board should also invite competent and prudent persons to examine the school, and to report to them in writing the result of such examination. No business can be successfully conducted without faithful and intelligent supervision. This obvious rule is especially applicable to educational affairs.

#### BRANCHES TO BE TAUGHT IN SCHOOL.

SECTION 55. Orthography, Reading, Writing, English Grammar, Geography and Arithmetic shall be taught in every district school, and such other branches as may be determined upon by the district board: *provided*, that no branch of study shall be taught in any other than the English language.

The law wisely provides that those branches essential to a good education should be taught in every public school, and that all branches of study shall be taught in the English language.

The district board should avoid the introduction of any branch of study, aside from those required by law, which will tend to practically exclude the foregoing. They should insist upon the school being so conducted as to secure daily instruction and daily practice in Reading, Spelling and Writing. These branches are often neglected, and others, such as Algebra, Latin and Rhetoric, are introduced to the detriment of all the scholars in the school. It is especially necessary that teachers should require their pupils to *write* in connection with every school exercise, from the primary school to the university.

The law contemplates an English school. The object of the public school is to educate children so as to make them good citizens. Its instruction, discipline and government must be of such a character as to prepare the young to discharge their duties as citizens of a country where the language of the courts, the legislature, and the people is the English

language. To secure the requisite ability on the part of the teacher to carry out this provision of the law, section 102 provides "that no person shall receive a certificate of any grade who does not write and speak the English language with facility and correctness." Teachers who speak other than the English language, may be employed, and their knowledge of German or Norwegian may be of great use in teaching the children of these nationalities, but every teacher must speak, write and read English before he is legally qualified to teach a public school.

#### INSTRUCTION IN FOREIGN LANGUAGES.

##### *Chapter 50—General Laws of 1869.*

SECTION 1. The district board of any school-district, or the board of education of any incorporated village or city in this state, may provide for the instruction of the pupils of the common schools in their district, or such as may desire it, in any of the foreign languages, not to exceed one hour each day : *provided*, the teacher of such school is competent to give such instruction, or a proper instructor for such purpose can be obtained.

SECTION 2. All acts or parts of acts, so far as they are inconsistent with this act, are hereby repealed.

In consequence of the large and increasing number of persons of foreign birth in this state, a law was enacted at the session of 1869, which provides that one hour in each day may be given to instruction in foreign languages. The intention of this law is not to encourage but rather to limit the introduction of other languages than the English into common schools. While it is natural that persons of foreign birth should wish their children to read as well as speak their native tongue, it is the policy of the state to provide that all may learn the common language of the country. The law in question was not intended to affect instruction in the classical or modern languages, when the same form a part of a course of study in high-schools.

#### DUTIES OF TOWN TREASURERS.

SECTION 56. It shall be the duty of the town treasurer of each town :

1st. To apply for and receive from the county treasurers all moneys apportioned for the use of common schools in his town, and to pay the same, together with all moneys raised in the town for the support of schools, to the treasurers of the districts entitled to receive them, upon the order or apportionment of the town clerk.

2d. To pay over to the district treasurer, on demand, all school-district taxes raised in each district and collected by him, and the amount of all school-district taxes returned to the county treasurer of his county as delinquent, whenever the same shall have been collected and paid over by said county treasurer; or, if such town treasurer shall receive credit from the county treasurer for such delinquent tax, or any part thereof, on account of any demand or claim due from such town to said county, then the said town treasurer shall pay over the amount of such delinquent tax, or the part for which credit has been so received, to the treasurer of the proper school-district, on demand thereafter.

3d. On or before the second Monday of March in each year, to certify to the town clerk the amount of school moneys in his hands; to be apportioned by said clerk, and immediately upon the receipt of any moneys from the state school fund to certify the same to the clerk, for apportionment.\*

The town treasurer will hold, subject to the order of the several district treasurers of his town, all district taxes collected by him. Also all money raised by taxes levied upon the town by the county board of supervisors, and all money raised by the town in addition thereto, and pay the same over to the several district treasurers, according to the apportionment made by the town clerk under the law. He will also receive from the county treasurer, the amount apportioned by the superintendent of public instruction to his town, out of the income of the school fund, and pay the same over to the district treasurer according to the apportionment made by the town clerk. The town treasurer will also receive all money paid on account of delinquent taxes, and pay the same over to the proper district treasurers. No school taxes except district taxes will be returned delinquent, if the law is complied with. (See section 92, chapter 18 of the revised statutes).

It is the duty of the town treasurer to notify the town clerk of any money which he holds subject to apportionment by said town clerk, and to inform district treasurers promptly of

\* See Form No. 33.



any funds in the town treasury belonging to the respective districts.

District treasurers are not required to accept any taxes or school funds from the town treasurer in anything but cash.

The certificate required to be made on or before the second Monday of March, in each year, must state specifically the several amounts received from town and county tax, and the amount of income unapportioned which remains in the town treasury; it must also include any money apportioned the previous year, which has not been paid over to the district treasurers.

#### DUTIES OF TOWN CLERK.

SECTION 57. It shall be the duty of the town clerk, between the fifteenth and twenty-fifth days of September in each year, to make and transmit to the superintendent of schools for the county, a report, in writing, bearing date on the fifteenth day of September, in the year of its transmission, stating—

1st. The whole number of school-districts separately set off within the town.

2d. The districts and parts of districts from which reports shall have been made to him, or his immediate predecessor in office, within the time limited for that purpose.

3d. The length of time a school shall have been taught in each of such districts or parts of districts.

4th. The amount of public moneys received in each of such districts and parts of districts.

5th. The number of children taught in each, and the number of children over the age of four and under the age of twenty years, residing in each.

6th. The whole amount of money received in the town for school purposes since the date of the last preceding report, setting forth, separately, the amount received from the state through the county treasurer, the amount levied by the county board of supervisors, and the amount raised by the town at its annual meeting.

7th. The amount of money raised by district tax for school purposes.

8th. The manner in which said moneys have been expended, and whether any and what part remains unexpended, with such other information as the state superintendent may from time to time require.\*

\* See Form, No. 34.

Blank reports, prepared by the superintendent of public instruction are annually sent to town clerks. Such instructions as are needed always accompany the blanks.

In towns which have adopted the "township system of school government," provided for in chapter 182 of the general laws of 1869, the report required in the foregoing section will be made by the "secretary of the town board of school directors." This law will be found on subsequent pages.

SECTION 58. It shall be the duty of the town clerk to see that the annual reports of the clerks of the several school-districts in his town are made correctly and in due time, and to receive and keep all such reports made to him by the district clerks, with all orders and notices of the town board of supervisors relative to the formation or alteration of school districts, and file them in his office; and he shall record in a book kept for that purpose, such description of school-districts and organization or alteration thereof, as shall be furnished him by the board of supervisors. He shall also make and keep in his office a map of the town, showing the exact boundaries of all the school-districts therein, as appears from records on file, and when a new district is formed, shall furnish a map thereof to the district clerk. He shall within ten days after his election or appointment, report his name and post office address to the county superintendent of schools; and the name and post office address of each district clerk, within ten days after the filing of the same in his office. It shall also be the duty of the town clerk to apportion the school moneys raised by the town and collected by the town treasurer, on the third Monday of March, and those received from the state, through the county treasurer, on the third Monday of June in each year, or as soon thereafter as the same shall be collected or received by the town treasurer, to the several districts and parts of districts within the town, in proportion to the number of children residing in each, over the age of four and under the age of twenty years, as the same shall appear from the last annual reports of their respective clerks.\*

SECTION 59. No money shall be apportioned to any district or part of a district, unless it shall appear by the report thereof, verified by the affidavit of the clerk of said district or part of a district, that a school has been taught therein, by a duly qualified teacher for at least five months during the year ending at the date of such report, and that all school moneys received during that year from the income of the school fund, have been applied to the payment of the wages of a legally qualified teacher.

The duties of town clerks are set forth so specifically as to need no special comment.

\*See Forms Nos. 35 and 36.

All moneys apportioned by the town clerk must be apportioned according to the number of persons over four and under twenty years of age residing in the several districts and parts of districts of his town, in which five months school have been maintained during the past year. Money must not be apportioned to any district that does not furnish the evidence required by section 59 :

1. That a school has been taught therein.
2. That the teacher thereof was duly qualified.
3. That the school was maintained at least five months during the year ; and,
4. That an amount equal to that received from the income of the school fund, has been applied to the payment of teachers' wages.

It will be understood that five months means not less one hundred and ten days of school, including legal holidays. Holidays which occur on days when school would not otherwise have been taught, are not to be counted. The legal holidays are named on page 70.

**SECTION 60.** If, after the time when the annual reports of the school-districts are required to be dated, and before the apportionment of school moneys shall be made, a district shall be duly altered, or a new district shall be formed in the town, so as to render an apportionment founded on such annual reports unjust, as between two or more districts of the town, the town clerk shall make an apportionment to such districts, according to the number of children in each, over the age of four and under the age of twenty years, ascertaining the number by the best evidence within his reach.

**SECTION 61.** All moneys apportioned by the town clerk to any district or part of a district, which shall have remained in the hands of the town treasurer, for one year after such apportionment, by reason of such district or part of a district neglecting or refusing to receive the same, shall be added to the moneys next thereafter to be apportioned by such town clerk to the several districts and parts of districts in such town, and apportioned therewith.

No new district is entitled to any public money until it shall have had a five months' school, but, if an alteration of a district be made, and a new district be formed as the

result of such alteration, between the time of making the annual report and the time for making the next apportionment, the money drawn on account of the pupils thus set off from a district, after being reported as pupils of that district, must be paid to the district in which such pupils are found.

Public money of any kind remaining in the hands of the town treasurer, for one year, after having been apportioned by the town clerk, must be added to the amount to be apportioned for the next year.

#### STATEMENT OF DISTRICT TAXES.

SECTION 62.\* The clerk of each school district shall, on or before the first Monday of November, in each year, deliver to the town clerk of the town in which the district is situated, a statement in writing, verified by his affidavit, showing the amount of the tax or taxes voted to be raised at the last preceding annual meeting, or at the first meeting after the organization of the district, or both, as the case may require, and the tax voted at any special meeting held between the time of the annual meeting and the first Monday of November, together with a list of all persons and corporations liable to a school district tax therein. In case of a joint district, he shall deliver to the town clerk of each town in which any part of the district is situated, a statement so verified, showing the proportion of tax to be so assessed in that part of the district within such town, together with a list of all persons and corporations liable to a school district tax in that part of the district. Such proportion shall be ascertained from the valuation contained in the last assessment rolls of the respective towns, and to enable the district clerk to ascertain the same, the town clerk of each such town shall, on demand at any time after he has received the equalized assessment roll of his town, deliver to the clerk of any such joint district, a certified statement of the valuation of real and personal property in that part of such district lying within his town, as the same appears from said assessment roll.†

Chapter 81 of the general laws of 1869 changed this section so as to require each district clerk to deliver his statement to the town clerk on or before the *first* instead of the *fourth* Monday of November in each year; and taxes can be voted at a special meeting subsequent to the annual meeting and included in this statement, only up to said first Monday, instead of the "third Monday," as heretofore.

\* Amended by chapter 81 of general laws of 1869.

† See form Nos. 37 & 38.



The district clerk is not required to assess the tax, nor to describe the real or personal property of those liable to a tax, but only to return the names of persons and corporations thus liable.

By act of April 1st, 1854, railroads and plankroads are exempt from all but a state tax. All other property can be taxed for school, the same as for other purposes.

#### ASSESSMENT OF DISTRICT TAX.

SECTION 63. The town clerk shall assess said tax, or the due proportion thereof, upon the real and personal property liable thereto, placing the same in a separate column in the next assessment roll of his town, delivered to the town treasurer for collection, whenever such certificate of the district clerk shall be received by him in time therefor, although after the fourth \*Monday of November; and if for any reason, such tax shall not be assessed in the next assessment roll after the tax is voted, it shall be assessed in that of the next succeeding year. The tax shall in all respects be collected or returned delinquent like other taxes, and when collected, the money shall be paid over to the district treasurer: *provided*, that if there shall be a deficiency in cash funds in the town treasury, to pay all the charges thereon in any year, then the town treasurer shall set apart a sufficient amount of such funds to pay in full the amount of moneys levied and assessed for common school purposes, and returned taxes collected for any school district: *And provided, further*, that merchants' and manufacturers' stock shall be liable to assessment for school tax, only in the school district where the same is situated.

The town clerk is required by law to deliver the tax roll to the collector on or before the second Monday of December, and if the district clerk should neglect until that time to deliver the statement required by section 62, the tax cannot be collected until the following year. For this reason the statement is required earlier than heretofore, as stated above.

Upon the delivery to him of such statement, the town clerk should give the district clerk a certificate that he has received the same, stating the amount of the tax, and the time when received, which certificate should be filed in the office of the district clerk.

\* See amendment of section 62.

Care should be exercised lest the school-district taxes be aggregated with the town school taxes.

If, in any case the district clerk fails to report the tax to be raised, until it is too late to have the same entered upon the town tax list, and the district needs the money, a special meeting may be called which may rescind the acts of the annual meeting, recall the list certified to the town clerk, and vote a special tax to be collected as provided for in sections 64 to 75 inclusive.

#### LEVY AND COLLECTION OF TAXES BY DISTRICT OFFICERS.

SECTION 64. Any tax voted at a special meeting held at a time not specified in section sixty-two of this chapter, shall be assessed by the district clerk and collected by the district treasurer in the manner hereinafter provided, unless the meeting which voted such tax shall determine that the same shall be collected by the town treasurer, in which case the district clerk shall include such tax in the statement which by section sixty-two of this chapter he is required to deliver to the town clerk on or before the fourth Monday of November.\*

SECTION 65. The clerk of each school district shall make out the tax list, and shall enter therein the names of all persons liable to pay a school-district tax in such district, the amount of personal property to be taxed to each such person, and a description of all the taxable real estate in such district; and he shall set opposite to each description of taxable property, the valuation of the same and the amount of tax charged upon such property, and to each person respectively. Such description and valuation of taxable property shall be ascertained so far as possible from the last assessment roll of the town.†

SECTION 66. The warrant annexed to such tax list shall be under the hand of the clerk of the district and shall command the treasurer of such district, to collect from each of the taxable persons and corporations named in such tax list, and of the owners of the real estate described therein, the several sums set opposite to the persons and corporations so named, and to the several tracts of land so described, within forty days from the date thereof; and within ten days from the date of such warrant, to personally demand such tax of the persons charged therewith in such lists, if they be found within his town; and that if any such tax shall not be paid within said ten days, to collect the same by distress and sale of personal property, in the same manner as town treasurers are authorized to collect town and county taxes; and the said treasurer shall execute

\* Changed to *first* Monday. See section 62.

† See Form No. 39.

said warrant and return the same to the clerk at the expiration of the time limited therein for the collection of such tax list.\*

SECTION 67. If any tax on real estate, in any tax list delivered to the treasurer of any district, shall remain unpaid at the time he is required by law to return his warrant to the clerk of the district, such treasurer shall make out and deliver to the town clerk of his town, a statement in writing, containing a description of the lots and pieces of land upon which such taxes remain so unpaid, together with the amount of tax assessed to each; and he shall make and subscribe an affidavit to such statement, before some justice of the peace, or other person authorized to administer oaths, that the taxes mentioned in such statement remain unpaid, and that after diligent efforts he has been unable to collect the same; and whenever any school-district shall embrace parts of more than one town, such treasurer shall make his return as aforesaid, to the town clerks of all the towns in which the parts of such district shall be situated.†

SECTION 68. The town clerk, upon delivery to him of such statement, shall give a certificate to the treasurer of the amount of taxes so remaining unpaid, as the same shall appear from the statement of such treasurer, which certificate shall be deposited by the treasurer with the district clerk, and shall be filed by such clerk.‡

SECTION 69. The town clerk shall, in making out the duplicate assessment roll of the town next thereafter, enter such unpaid taxes in a separate column therein, opposite the description of the land upon which taxes so remain unpaid, and such taxes shall be collected in the same manner as town and county taxes are collected; and when so collected shall be paid over to the treasurer of the district in which such taxes were originally assessed.

SECTION 70. The warrant issued by the clerk of any school-district for the collection of any district tax authorized to be raised and collected by section sixty-four of this chapter, may be executed in any other district or town in the same county, or in any other county in which any part of such district is situated, when the district is composed of parts of two or more adjoining counties, and such warrant shall have the like force and effect as a warrant issued by a town clerk for the collection of town and county taxes; and the treasurer of the district to whom any warrant may be delivered for the collection of a tax list, shall possess the like powers in the execution of the same, as are conferred by law upon the treasurers of towns in the collection of town and county taxes.

SECTION 71. Whenever any error shall be discovered in any district tax list, and made to appear to the district board, they may authorize and empower the clerk to amend and correct such error in said tax list, and may order any moneys which may have been improperly collected on such tax list, to be refunded.

SECTION 72. Whenever the clerk of any district shall deem it necessary, he may renew the warrant annexed to any tax list in his

\* See Form No. 40.

† See Form, No. 41.

‡ See Form, No. 42.

district for thirty days, but he shall not have power to renew such warrant more than once, without the consent of the town clerk of the town in which the school-house of such district shall be located, which consent shall be indorsed on such warrant.\*

SECTION 73. When any district tax shall be lawfully assessed and paid by any person on account of any real property whereof he is only a tenant at will, or for any period not exceeding three years, such tenant may charge and collect of the owner of such real estate the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant.

SECTION 74. Whenever any real estate in any school-district shall not have been separately valued in the assessment roll of the town, and the valuation of such real estate can not be definitely ascertained from such assessment roll, the district board of such district shall estimate the value of the same in proportion to the valuation affixed in said assessment roll to the whole tract of which such lot or piece of land forms a part.

#### EQUALIZATION OF TAXES IN JOINT DISTRICTS.

SECTION 75. Whenever a school-district embraces a part of more than one town, the town board of supervisors of the towns so in part embraced, upon application of any three persons liable to pay taxes in such district, shall proceed to inquire and determine whether the valuations of taxable property in the assessment rolls of such towns are just as compared with each other, in respect to such district, and if considered not to be so, they shall determine the relative proportion of taxes to be assessed upon the real estate of the parts of such district so lying in different towns; and any tax thereafter to be raised in such district shall be apportioned and assessed according to such determination, until the same shall be altered upon a like application and determination, as before mentioned.†

In case of special district taxes, not mentioned in section 62, the district clerk issues the warrant directly to the district treasurer, who makes his return to the district board, and returns the delinquent tax list to the town clerk, by whom it should be regularly entered in the next assessment roll of the town.

#### TOWNS MAY RAISE ADDITIONAL TAXES.

SECTION 76. The qualified electors of each town shall have power, at any legal meeting thereof, to vote to raise such sum of money for the support of common schools, in addition to the amount required by law to be raised, as they may deem necessary.

\* See form No. 43.

† See Form No. 44.



## ON WHAT PROPERTY TAXES MAY BE ASSESSED.

SECTION 77. All taxes raised and collected in any school-district for any of the purposes authorized by the provisions of this chapter, except when otherwise provided, shall be assessed on the same kind of property as taxes for town and county purposes are assessed.

## ESTABLISHMENT OF SCHOOL-HOUSE SITES.

SECTION 78.\* Whenever a school-district shall be unable to obtain the school-house site, or addition to such site, selected or designated by a majority of the electors thereof present at a regular meeting or at a special meeting called for that purpose, on account of the refusal of the owner to sell or lease the same for a just and reasonable compensation, or on account of the owner being a non-resident, such site may be located and established by the town board of supervisors in the manner hereinafter provided.

The town boards of supervisors are not to select school-house sites; their duty is to locate and establish them after they shall have been designated or selected by the electors of the districts desiring to obtain the same. This section was so amended by chapter 151 of the general laws of 1868, as to enable the supervisors to locate and establish an *addition* to a site as well as the original site.

SECTION 79. Whenever the electors of any school-district, either at their annual or at any special meeting legally called for that purpose, shall make application to the board of supervisors in their respective towns, the said board upon satisfactory proof being made to them, by the certificate of the district clerk, or otherwise, that the notices required in the next section have been duly given, shall proceed to establish a school-house site for said district; *provided*, that such school-house site shall not exceed one acre of land; *and provided, further*, that such land when it shall cease to be used as a school-house site, shall revert to the original owner, his heirs and assigns.†

SECTION 80. Upon application made by any school-district, by vote as aforesaid, such board shall make out and sign a notice in writing, and fix a time and place when and where they will meet and decide upon such application, which said notice shall also contain a brief description of the land upon which it is proposed to locate such school-house site, which said notice shall be served by the district clerk of said district upon the owners and occupants of

\* Amended by chapter 151 of general laws of 1868.

† See Form No. 45.

the land upon which it is proposed to locate such site, at least six days previous to the day appointed for such meeting. Such notice shall be served by delivering it to each owner and occupant of such land, who may be residents of this state, or by leaving the same at their respective residences, with some person of suitable age and understanding. And if there be no occupant of such land, and the owner or owners thereof be unknown to the said board, or shall reside without this state, then such notice may be served by publishing the same in the newspaper published nearest said land, once in each week for six successive weeks next before the said day of meeting.\*

SECTION 81. Whenever the said board shall locate and establish any school-house site, they shall cause an accurate survey and description of the same to be made out, and shall fix and award the compensation to be made to the owner or owners for such site, together with all damages sustained by such owner or owners of all lands so taken. They shall also, within ten days after agreeing thereupon, make out and sign duplicate certificates, containing their action upon such application, a description of the lands so taken, according to the survey, and the amount of compensation and damages so awarded to each of such owners, one of which shall be delivered to the occupant or occupants of the land so taken for such school-house site, and the other to the clerk of said district, who shall cause the same to be recorded in the office of the register of deeds of the proper county: *provided*, that in case the said board shall deem it advisable, they may, before agreeing upon their said award, adjourn from time to time, not to exceed in all ten days, and that any two of said board may act in the absence of the other.†

SECTION 82. The sum of money so awarded by the said board, shall be paid to the owner of the land upon which such site is located, or in case the owner is a non-resident, or refuses to accept the money, it shall be deposited with the treasurer of the district, to the order of the owner of said land; and it shall not be lawful for said district to occupy said land without the consent of the owner thereof, until such money shall be paid, tendered or deposited as aforesaid.

SECTION 83. No land shall be taken for a school-house site, except by consent of the owner, that may not be taken for highway purposes, according to section fifty-four, chapter nineteen, of the revised statutes.

SECTION 84. Any person aggrieved by the decision of the above board in the award of damages, may appeal therefrom to the circuit court for any county in which such site is situated, by filing with the clerk of such district a notice of such appeal, which notice shall specify all the grounds of such appeal, within twenty days after the receipt of the duplicate certificate mentioned in section eighty-one

\* See Forms Nos. 46 and 47.

† See Form No. 48.

of this act, and paying to the said district clerk one dollar for the state tax on the appeal, and one dollar for making the return thereto; and thereupon the clerk of such district shall, within twenty days thereafter, file with the clerk of said circuit court a certified copy of such certificate, together with such notice of appeal and the date of service thereof, and shall pay to such clerk of the circuit court one dollar for the tax on the appeal; and thereupon the clerk of such court shall enter an action therein, in which the appellant shall be plaintiff and the school-district defendant. The issues in said action shall be the legality of all the proceedings of said board under this act, and the amount of compensation and damages to which the plaintiff is entitled by reason of the taking of his lands for a school-house site, as aforesaid. And the issue shall be tried without further pleadings, in the same manner as other issues of fact are tried in such court, and either party shall be entitled to a jury, and the judgment therein shall be enforced in the same manner as other judgments in personal actions rendered by said circuit court: *provided*, that in all cases where the question of damages is the only issue, and the plaintiff does not recover a larger sum than was awarded him by such board, he shall recover no costs.

SECTION 85. Whenever the district is situated in two or more towns, the said board shall consist of the boards of supervisors of each town in which such district is situated.

Section 4 of chapter 434 of the general laws of 1864, as given below, applies the provisions of sections 78 to 85, to the enlargement of school-house sites already located.

SECTION 4. All the provisions of the said chapter one hundred and fifty-five, in reference to the location and establishment of school-house sites, shall apply to the selection and establishment of any addition to a site already located: *provided*, that no site thus enlarged shall exceed one acre of land.

Chapter 90 of the general laws of 1868 provides as follows for obtaining a school house site upon land owned by an infant.

SECTION 1. Whenever any school-district in this state or any town board of supervisors in behalf of any such district shall locate a site for a school-house upon any lands owned by any infant, or in which any infant has an interest, the circuit or county court of the county in which said land is situated may authorize the guardian or parent of such infant to execute a perpetual lease of any lands of such infant, not exceeding one acre in amount, to be used by said district, its successors or assigns for school purposes only, and when any such land is held in trust for any infant the trustees may be authorized to execute such perpetual lease in behalf of the said infant



for whom said land is held in trust, and when any such lease is executed pursuant to the order of said circuit or county court, the same shall pass to and vest in the lessee all the interest of said infant in said lands authorized to be granted by said court.

SECTION 2. Before granting leave to make and execute said lease it shall be made to appear satisfactorily to said court that the said premises are needed for school purposes, that the consideration to be paid for the interest of said infant therein is adequate, and that the interest of said infant will not be prejudiced by the execution of said lease; and before making any such order the court shall require the guardian or other person authorized to execute said lease to execute a bond to account for and pay over the funds or money received, as in cases provided by law for the sale of lands of minors.

#### COUNTY SUPERINTENDENT.

SECTION 86. There shall be chosen at the general election held on the Tuesday next succeeding the first Monday in November, in the year 1861, and biennially thereafter, a county superintendent of schools for each county of the state, who shall enter upon the duties of his office on the first day of January succeeding his election, and shall hold the same for two years, and until his successor is elected and qualified. In each county of the state having over fifteen thousand inhabitants, according to the last preceding census, the county board of supervisors may, at any meeting prior to an election of county superintendent in any year, determine by resolution, to remain in force until rescinded, that two county superintendents shall be chosen for such county; and said board of supervisors shall thereupon divide the county into two districts, to be called respectively "superintendent district number one," and "superintendent district number two." While such resolution shall remain unrescinded each such district shall elect a county superintendent for such district, to be called "county superintendent of schools for district number one," or "two," as the case may be. When a county contains more than one senate district, each such senate district shall constitute a superintendent district, to be numbered as above provided, except senate districts lying wholly within incorporated cities which may have elected as provided for in section ninety-six of this act. Such county superintendents of schools for districts shall, within the limits of their respective districts, have the same powers and duties as other county superintendents. Their terms of office shall be the same, and their election shall be conducted and canvassed as provided in this act for the election of county superintendents; and all the provisions of this act or of any other law of this state in relation to county superintendents of schools, shall apply to the county superintendents of schools for districts, unless the latter shall be expressly exempted therefrom.

It is left optional with the board of supervisors of each county containing more than 15,000 inhabitants, according to



the last preceding census, to authorize the election of *two* superintendents for the county instead of *one*.

The advantages arising from dividing the largest and most densely populated counties, are too obvious to require special remark. To visit the schools, and examine the teachers in a county containing from one hundred to one hundred and fifty districts, involves more labor than one person can perform. The importance of thorough and judicious supervision cannot be too highly estimated; and money expended to secure the services of men properly qualified for this business, is well invested.

Any action of the board of supervisors, either in dividing the county, or in uniting superintendent districts, or in changing their boundaries, should be taken previously to the time of issuing the notice of election, so that the limits of the superintendent districts may be clearly defined in such notice.

SECTION 87. The laws regulating the election of and canvassing the votes for other county officers, shall apply to the election of county superintendents. A county superintendent may at any time vacate his office, by filing his resignation with the clerk of the board of supervisors of his county. His removal from the county, or his acceptance of the office of county supervisor, shall vacate his office.

SECTION 88. The county superintendent of schools shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this state, before some officer authorized to administer oaths, and shall deposit the same with the clerk of the board of supervisors.

The oath of office may be taken at any time after the county superintendent is elected, and it must be taken before the close of the first day of January succeeding the election. It cannot be taken after that date, for the reason that section 86 provides that the superintendent shall upon that day enter upon the discharge of the duties of his office. When the first day of January falls upon a Sunday, the safe course is to take and file the oath upon some day of the week preceding.

If the person elected does not qualify so as to be ready to enter upon the discharge of the duties of his office upon the

first day of January, the previous incumbent will hold the office until a successor is elected and qualified.

SECTION 89. The clerk of the board of supervisors, as soon as he has official or other notice of the existence of a vacancy in the office of the county superintendent, shall give notice thereof to the superintendent of public instruction, who shall appoint a county superintendent to fill such vacancy, and the person so appointed shall hold the office until the first day of January next occurring after such appointment is made.

SECTION 90. The county superintendent of schools may be removed from office by the judge of the circuit court for the county where such county superintendent of schools may reside, upon petition or satisfactory proof of incompetency or willful neglect of duty: *provided*, that no such removal shall be valid unless the person so removed shall have had at least thirty days notice of the charges brought against him, and an opportunity to be heard in his own defense; and that the said circuit judge shall, in case of removal, certify such removal to the clerk of the county board of supervisors.

SECTION 91. Any person or persons petitioning for the removal from office of any county superintendent of schools, shall cause a certified copy of such petition, together with a full statement of all charges preferred against him, to be served upon such superintendent at least thirty days prior to the hearing before the judge of the circuit court. No county superintendent shall act as an agent for any author, publisher or bookseller, or receive any fee or reward for acting as such agent, and a violation of this provision by any county superintendent, shall subject him to removal from office.

County superintendents are forbidden to act as agents of publishers or book-sellers. Discretion will suggest to these officers the propriety of not making changes in text-books prominent acts in their administration; and, while they can, properly, endeavor to secure a uniformity in the books used in the same school, they can seldom make a general change in the text-books used in their county without subjecting themselves to charges, that, however ill-founded, may interfere with a successful discharge of their duties.

It may well be doubted whether any of the text-books now used in our schools are so defective as to require their exclusion, and whether any are so superior to all others as to merit special effort for their introduction. District officers should be advised not to allow teachers to introduce text-books without

express permission. The district board should, in the exercise of its authority, prevent any unnecessary change, and should preserve uniformity. In order that the confidence and co-operation of the people may be secured, due consideration must be given to the expense attending changes in books, and it must not be forgotten that uniformity in adjacent rural districts is by no means absolutely necessary to the prosperity of the schools. Attention is here called to the amendment of section 53, page 82.

**SECTION 92.** Every county superintendent shall have power, and it shall be his duty :

*First.* To examine and license teachers, and to annul certificates as hereinafter provided.

*Second.* To visit and examine all the schools and school-districts within his jurisdiction as often in each year as shall be practicable; to inquire into all matters relating to the management, the course of study and mode of instruction, and the text-books and discipline of such schools, and the condition of the school-houses, sites, out-buildings and appendages, and of the district generally; to advise with and counsel the district boards in relation to their duties, and particularly in relation to the construction, warming and ventilation of school-houses, and the improving and adorning of the school grounds connected therewith, and to recommend to school officers and teachers the proper studies, discipline and management of the schools.

*Third.* To direct, after proper examination, the district board to make any alteration and repairs which shall in his opinion be necessary to the health, comfort or progress of the pupils, and to abate any nuisance in or upon the premises : *providing*, the same can be done at an expense not exceeding twenty-five dollars.

*Fourth.* To make an order in concurrence with the chairman of the board of supervisors of the town in which any school-house is situated, which is unfit for school purposes, reciting the reasons, if they deem it unfit for further use, and not worth repairing, and to deliver the order to the clerk of the district in which such building is situated, and to transmit one copy of said order to the clerk of the town, and another to the superintendent of public instruction; and such order shall take effect from and after the date mentioned therein, unless for cause shown within thirty days after said order is delivered to the district clerk, it shall be overruled by the superintendent of public instruction; and from the time the said order shall take effect, the district shall not be entitled to share in any appropriation of the income of the school-fund for any school kept in said building so declared unfit for school purposes.

*Fifth.* To examine any charge affecting the moral character or



ability to teach of any teacher within his county or district, first giving such teacher reasonable notice of the charge, and an opportunity to defend himself therefrom; and if he finds the charge sustained, to annul his certificate, by whomsoever granted, and if the teacher so declared unfit to teach, holds a certificate from the superintendent of public instruction, or a diploma of a state normal school, then to notify the state superintendent of such annulment without delay.

*Sixth.* To report annually to the board of supervisors of his county the condition and prospects of the schools under his supervision; to receive from the town, city\* or village clerks abstracts of the reports of the several district clerks, and to transmit the same, as required by law, to the state superintendent, as also annually, before the first day of May, the name and postoffice address of each town clerk of his county or district, and to report from time to time such other facts relating to education as the state superintendent may require, or the laws may prescribe.

*Seventh.* To organize and conduct at least one institute for the instruction of teachers in each year, and to advise in all questions arising under the operations of the school laws in his county or district.

In the discharge of the duties imposed upon county superintendents by this important section, these officers will find opportunity for doing inestimable good. To properly perform them will require the exercise of patience, prudence and firmness.

1. The examination of teachers should be confined to ascertaining their qualifications in respect, *first*, to moral character; *second*, learning; *third*, ability to teach.

A superintendent can inflict no greater wrong upon a community than to license a man of immoral character as a teacher. When the superintendent is not acquainted with the applicant, testimonials as to his moral character should be required, which should be explicit, and from persons of unquestionable integrity who are intimately acquainted with said applicant. Persons of questionable morals and bad manners should never be permitted to engage in the business of teaching. The example of the teacher influences the character of his scholars, hence it should always be such as to inspire confidence. While no religious test can be required, a person who is habitually

\* See chapter 128, general laws of 1870, on a subsequent page.



profane, or sectarian in spirit, or uncharitable towards those of a faith different from his own, or indiscreet in the utterance of his religious or political views, ought not to be permitted to enter a public school as a teacher. Neither should a person receive a certificate of *good moral character* who is not truthful, temperate, orderly, honest and prudent. A teacher should be courteous, simple in his tastes, kind and considerate towards the unfortunate, just in his dealings, patriotic, public spirited, and pure minded.

As to the *learning* of applicants the law specifically sets forth the branches in which they must be examined, and the different certificates county superintendents are authorized to grant. The method of examination required is by written and oral questions. Questions to be answered by writing should be prepared with great care. They should be definite, involving principles rather than facts, and sufficient in number to test the knowledge of the teacher. The questions are generally printed on slips of paper, the superintendent exercising due care to prevent candidates for certificates from knowing beforehand what they are. All necessary preparation should be made, such as providing a room where teachers can write; removing all temptation to aid or seek aid; obtaining paper, ink, pens, etc.; seeing that the blackboard is in good order and that rubbers and crayons are at hand, and that the room is warmed, lighted and ventilated. The time appointed for meeting should be such as will enable all who design to attend to be present, and no allowance should be made for a failure consequent upon tardiness or unnecessary absence. The time allotted for each set of questions should be stated on the paper containing the printed questions, and such rules should be established as will preclude communication or interruption during the time of examination. As a rule the examiner should not know the name of the person whose papers he examines. By numbering the candidates and requiring them to use the numbers instead of their names in signing their papers, there

will be no suspicion of partiality. The name and corresponding number of each candidate should be written on a card. The cards should be collected and carefully laid aside until the results of the written examination are determined; and the owner of each paper may be known by finding the name on the card corresponding with the number on the paper.

All papers should be preserved by the superintendent, and so arranged that reference may readily be made to them. In case of complaint, any errors that may have been committed may thus be corrected.

In "marking," or determining the standing of candidates, ten should be taken as the *maximum*. The *writing*, *punctuation*, and *spelling* should be correct. No attainments in science can be taken as an equivalent for deficiencies in the "common branches."

In conducting the examination *orally* such notes should be made by the examiner as will enable him to avoid errors of judgment. Pronunciation, choice of words, facility of illustration, ability to use the crayon at the blackboard, power of expression, use of the voice, self possession, manners, and, in general, scholarly *culture*, are the things to be observed in the oral examination. If a person does not possess these in some tolerable degree, he can not teach and ought not to be licensed.

If convenient, a class of pupils may be present at the place of examination, and candidates for certificates may be required to conduct class exercises in presence of the examiner. This will afford a good opportunity for the person examined to show his methods of teaching. One who fails to stand this test can seldom be trusted with a school.

In many cases too little time is given to the examination. No person can properly examine twenty or thirty teachers in a single day. At least ten hours diligently employed are necessary to enable the examiner to pass upon the qualifications of twenty teachers seeking the lowest grade of certificate. In case the candidates are well known to the county superintend-

ent, as persons who have successfully taught school, less time is required.

A record of all examinations should be kept. The names of applicants with their ages and residence, and the grades of those licensed, should be carefully and accurately recorded. The dates of examinations and of certificates, ought to be preserved as a portion of the permanent records of the office, and all papers relating directly or indirectly, to examinations, should be preserved, arranged and filed for future reference.

The superintendent should invite persons of suitable qualifications to aid him in the oral examination, and thus excite an interest in the town where the examination is held.

"Ability to teach" involves more than mere learning. One who does not speak the English language with fluency, correctness and good taste, cannot teach the branches required "in the English language" as the law provides. It also involves knowledge of the usages of society, and of the rights of parents and children; also, of the laws relating to public schools, property, reputation and life. To teach requires courage, fortitude, forbearance, discretion and patience; hence, granting certificates to boys and girls, is a violation of the spirit of the law, and shows a want of common sense. Too many of our public schools are in charge of those who lack all the important qualities constituting a true teacher, and whose qualifications are limited to ability to spell, read, write, parse and cipher.

Certificates of a higher grade should never be granted to those who have not had an opportunity of testing their ability to teach, but the superintendent should lose no time in recognizing this qualification where it is found to exist.

The power conferred by law upon county superintendents, to annul certificates, should be exercised with discretion and firmness.

Deficiency in learning and ability to teach, or immoral character, constitutes a ground for annulment. If a teacher's deficiency relates to learning, and it is within the knowledge of

the superintendent, he should re-examine him ; and if it relates to bad morals, he should investigate the matter, giving the teacher proper notice, and if he fails to exculpate himself his certificate may be annulled. In case of complaint made to the superintendent by others, the teacher should receive notice of the time and place at which he will be examined, and at which proof will be heard on behalf of both complainant and teacher.

When the complaint relates to the moral character of the teacher, full opportunity must be given him for his defense. He should be made acquainted with the precise charges affecting his character, and ample time should be allowed him to prepare proofs and to bring witnesses to explain or disprove the charges.

The superintendent should not subject the teacher to a public accusation, unless some person shall make complaint to him and sustain it by his own oath, or that of witnesses whom he produces. All testimony should be reduced to writing. It is for the complainant to produce the evidence of the charges he prefers. The accused is entitled to the privilege of cross-examining witnesses, and is not bound to offer any testimony until something is proved against him.

As an appeal may be taken from the action of the county superintendent to the superintendent of public instruction, the former should take full minutes of the testimony, as it is given, as nearly as possible in the language of the witnesses.

2. The duty of visiting schools is among the most important of those required of the county superintendent. School visitation depends for its efficiency upon the manner in which it is performed. A stated, formal visit, does no good, and sometimes does harm. A short call, without an opportunity to learn anything of the real condition of the school, is useless.

The visits should be quite unceremonious, unexpected by teachers and pupils, and the superintendent should, besides observing the routine of the school-room, inform himself in



regard to the progress and attainments of the pupils. He should examine classes in spelling, reading and writing, in preference to those in algebra, French and rhetoric, and should show both teacher and scholars that he attaches more importance to those branches that constitute the foundation of education, than to those, a superficial knowledge of which may be obtained by very poor scholars. The teacher's method of classification should be examined. It sometimes happens that scholars are hastily assigned to the wrong class, and there allowed to remain for months, on account of the indifference or ignorance of the teacher. If classes can be consolidated with advantage it should be done, and the superintendent should feel that he, as well as the teachers, is responsible for the progress of every school in his county.

The school register should be examined, and if not kept as required by law, such instruction should be given and such measures taken as will lead the teacher to keep it in proper form. The condition of the school library, apparatus, maps, etc., should be ascertained and noted. The desk, blackboards, furniture, stove, windows, doors, woodshed, fence, outhouse, etc., should be inspected, and a report of the condition of the school, school-house and surroundings, should be made to the district board in writing. Such suggestions as are required may also be made. The district officers should be reminded of the annual district report, and the necessity of accuracy and promptness in making it should be enjoined upon them. The manner in which the district records and accounts are kept, should be made a subject of investigation, and if necessary, of advice. Attention should be given to the certificate of the teacher, and, if public money is paid to teachers not qualified, the consequences of such disregard of law, should be pointed out and measures taken to prevent it. No person has a right to teach in a public school who does not hold the certificate of qualification required; no officer has a right to pay a dollar upon an order in favor of such unqualified teacher; the clerk and director who draw the order are misappropriating public

money ; and the duty of the county superintendent is to prevent this unlawful practice.

The superintendent should seek to remove difficulties growing out of changes in district boundaries, family animosities, or dissatisfaction with the action of school officers. He should invite the people of the district he is visiting, to meet him at the school-house, and should then address them upon the educational interests of their district. The address should be plain, pointed and pertinent. No adulation or flattery should be indulged in. The results of observation and examination should be given with such plainness as discretion and good taste will warrant. An effort should be made to instruct and improve rather than please. The people always respect an earnest, truthful man, but they are merciless towards a timid, hypocritical one.

If practicable, a report of the condition of each school should be made *in writing* to the district board. Their attention should be particularly called to those things that are necessary for the comfort, health and progress of the children. The school register will furnish, if properly kept, facts that may be made the basis of calculations in regard to attendance, absence, irregularity, etc., that will be both interesting and instructive. It is also well to address a communication to the teacher, commending what deserves approval and calling special attention to those things that need correction.

#### INSTITUTES.

It is made the duty of the superintendent to hold institutes, and at least one should be held each year. Such preparation should be made as will secure a prompt and general attendance. A suitable room, well ventilated, properly warmed, and furnished with desks, blackboard, &c., is indispensable. By proper effort the co-operation of the people in the vicinity of the place where the institute is held, may be secured. Care should be taken not to tax the hospitality of the people for the benefit of those not engaged in teaching. In some instan-

ces, persons not interested in the objects of an institute, attend it, for the purpose of enjoying, free of expense, the novelty of a visit to the town in which it is held.

The notice for the institute should suggest to teachers the necessity of bringing with them paper, pencils, note books and such school books as may be required.

Arrangements should be made for addresses, and if the superintendent deems it advisable, some prominent teacher may be secured to conduct the institute exercises. For a few years past the board of normal regents has granted aid to institutes out of the income of the normal school fund. If preferred an agent is furnished to conduct the institute. The law regulating this matter will be found on a subsequent page.

The programme should, if practicable, be published with the notice, and should be strictly adhered to during the time the institute is held. A portion of each session should be devoted to discussion, and the superintendent should be prepared to answer such questions in regard to the school law, and school matters generally as the teachers may wish to ask. Punctuality, regularity and good order should be maintained, and an effort should be made to render the institute a model school in its methods of recitation, instruction and general arrangement and management.

The county superintendent should preside, a secretary and business committee should be appointed, and in all respects the institute should be a well ordered and business like body, diligently doing its appointed work. No time should be frittered away in excursions, pic-nics or parties.

#### EXAMINATION OF TEACHERS.

SECTION 93. It shall be the duty of the county superintendent of schools, in each county, to divide his county into inspection districts, to be bounded by town lines, and not to contain more than four towns each; and to hold, in and for each such inspection district, at least two meetings in each year, for the examination and licensing of teachers, of which meetings at least thirty days written notice shall be given to each school-district clerk in the inspection district for which the meeting is to be held, and by him posted in

some conspicuous place in his district. Such notice shall contain the names of the towns embraced in the inspection district, and the time, place and objects of the proposed meeting. The examinations of teachers thus held shall be public, and shall be conducted by written and oral questions and answers. They shall be uniform for the county in which they are held, and no certificate of qualification shall be given except in accordance with the provisions of law respecting teachers' certificates.

SECTION 94. Whenever, on account of sickness, absence from the county, or any other cause, any person desiring a certificate of qualifications as a teacher, shall be unable to attend the examination as aforesaid, such person may be examined at any time, by the superintendent, without giving the notice required by the preceding section, and upon such examination, if found qualified, shall receive a certificate, which shall remain in force until the next regular meeting for examination of teachers in the inspection district in which such teacher is engaged in teaching: *provided*, that the county superintendent, before examining and licensing such applicant, may require of him or her, satisfactory proof that the absence of such applicant from the last regular meeting for examination of teachers, in the inspection district in which he or she resided, was necessary and unavoidable upon the part of said applicant.

The county superintendent should always satisfy himself that the absence of an applicant from the public examination was necessary, and unavoidable. Although the certificates granted at special examinations are of short duration, yet the candidate should not be less thoroughly examined than if present at a public examination. Further remarks upon examinations will be found under section 92.

#### SALARY OF THE COUNTY SUPERINTENDENT.

SECTION 95.\* The compensation of the county superintendent of schools shall be fixed by the county board of supervisors, and shall be paid quarterly in cash by the county treasurer; and the supervisors may decide whether said compensation shall be an annual salary or a *per diem*, to be estimated and prescribed by said supervisors as follows: In counties and districts containing more than five thousand and less than ten thousand inhabitants, if the compensation be an annual salary, it shall not be less than five hundred dollars nor more than eight hundred dollars; and in counties and districts containing more than ten thousand inhabitants, it shall not be more than fifteen hundred dollars nor less than eight hundred dollars. If the supervisors of any county shall decide that the compensation of the superintendent shall be a *per diem*, they shall

\* Amended by chapter 177, of general laws of 1869.



fix the same at not less than three dollars nor more than five dollars; and they may limit the number of days service to be rendered by the superintendent so that the whole sum to be paid him in any one year, in a county containing more than five thousand and less than ten thousand inhabitants, shall not exceed eight hundred dollars nor be less than five hundred dollars, and in a county containing more than ten thousand inhabitants, shall not exceed fifteen hundred dollars nor be less than eight hundred dollars: *provided*, that each superintendent serving for a *per diem*, shall present to the clerk of the board of supervisors, quarterly, before receiving the compensation due him, a sworn statement showing the number of days actually and necessarily spent by him in the discharge of his duties during the preceding quarter; and no compensation shall be allowed him for any other than the days thus specified. The board of supervisors shall allow for stationery, postage and printing, such amount as the county superintendent shall certify to be actually necessary, not exceeding one hundred dollars in counties and districts containing less than five thousand inhabitants, and two hundred dollars in counties and districts containing more than five thousand.

SECTION 96.\* Every incorporated city having a board of education, a superintendent of schools, or other board or officer with power to examine and license teachers, and supervise and manage the schools, shall be exempt from the provisions of this act relating to county superintendents of schools, except in the matter of making reports to the superintendent of the district in which such city is situated. The electors of such city shall have no voice in electing a county superintendent, nor shall the members of the county board of supervisors from said city have any voice in determining or providing for the compensation of such county superintendent, or in any other matter relating to such officer; nor shall any tax be levied on said city to pay the salary or *per diem* of such superintendent, nor shall the population of such city be enumerated or counted with the other inhabitants of the county by the board of supervisors in estimating or determining the compensation of such superintendent.

It will be seen by chapter 128 of the general laws of 1870, printed on a subsequent page, that cities will hereafter make their reports, through the proper officer, directly to the state superintendent.

SECTION 97. The board of supervisors of each county shall, when they levy the county school tax for each year, add thereto and apportion among the towns, cities and villages in such county, an amount sufficient to pay the compensation of the county superintendent of schools in and for such county, and all necessary expenses of printing for the use of schools in such county for that year, which

\* Amended by chapter 177 of general laws of 1869.

amount shall be levied and collected in cash as a part of the county school tax for such county, and shall be paid over to the county treasurer of such county, with the county tax, by the several town, city and village treasurers: *provided*, that no part of said amount shall be apportioned to or levied upon any incorporated city whose board of education shall have elected as provided for in the last preceding section.

The tax levied to pay the salary of the county superintendent, and all necessary expenses for printing, etc., must be assessed in addition to the tax levied annually for school purposes, and must be collected with it. This tax cannot be made a part of that required by chapter 40 of the general laws of 1866, but after the latter has been levied, the amount necessary for all the expenses growing out of the county superintendency, must be levied and apportioned among the several towns under the jurisdiction of the county superintendent.

SECTION 98. The county superintendent shall, on or before the tenth day of October, in each year, make and transmit to the state superintendent, a report in writing, setting forth the whole number of towns in his county, distinguishing those from which the required reports have been made to him by the town clerks, and containing an abstract of their reports, and he shall file a copy of such report in the office of the clerk of the county board of supervisors.

All necessary instructions accompany the blanks annually furnished to county superintendents from the office of the superintendent of public instruction. The greatest care should be exercised in making the annual report required by section 98, for it is upon it that the annual apportionment is made.

SECTION 99.\* He shall also within the time mentioned in the preceding section make and deliver to the county treasurer a written statement of the whole number of children in each town in the county over the age of four and under the age of twenty years, returned from districts which have maintained school for five or more months during the past year, as appears from the town clerk's report.†

This statement is needed by the county treasurer, in order that he may test the correctness of the apportionment of the income of the school fund, made through him to the several

\* Amended by chapter 156 of the general laws of 1868.

† See Form No. 52.

towns of the county, and is to be filed with him on or before the 10th day of October in each year.

This statement must clearly show the number of children over four and under twenty years of age, residing in the respective towns in districts that have maintained school at least five months during the next preceding year.

#### TEACHERS' CERTIFICATES.

SECTION 100. Every applicant for a situation as a teacher in any of the common schools of this state, shall be examined by the county superintendent of schools of his county, in regard to moral character, learning and ability to teach, and if found qualified, shall receive a certificate as hereinafter provided.

SECTION 101. There are hereby established three grades of teachers' certificates, to be known as certificates of the first, second and third grade, respectively, as the case may be. Each certificate shall show the branches of study in which the holder has been examined, also the relative attainment of the applicant in each.

SECTION 102. Every applicant for a certificate of the third grade, shall be examined in pronunciation, orthography, reading, penmanship, intellectual and written arithmetic, English grammar, geography, history of the United States, and the theory and art of teaching, and if found qualified, shall receive a certificate which shall qualify the holder to teach in any town in the county in which he is examined: *provided*, that the county superintendent may limit such certificate to any town in the county, and may also issue limited third grade certificates for a less period than one year, and for a particular district, whenever by examination he is satisfied that the applicant is not qualified to teach in every district of the town for which he is licensed; *and provided further*, that no person shall receive a certificate of any grade who does not write and speak the English language with facility and correctness.

Candidates for the *third grade* certificates should be required to spell correctly the words of any ordinary sentence, dictated by the examiner, to pronounce with facility and correctness common words, and to read distinctly and intelligibly any passage from an ordinary reading book; to work readily the less difficult questions in common arithmetic; to parse any sentence of good prose; to have a knowledge of the elements of geography and history; to write a plain hand, and to exhibit good taste in the arrangement of words and paragraphs. The third grade certificates were intended for temporary licen-



ses, to be granted to persons of limited attainments and little experience ; but the result proves that too many teachers and officers are content with this grade. Earnest efforts are needed on the part of the superintendents to bring about a better state of things, and to induce more teachers to seek certificates of a higher grade. District officers can greatly contribute to this result by seeking the best teachers, and they will find it the best economy in the end, although the wages paid to such teachers may be higher.

*Limited* third grade certificates should be granted only when necessity requires.

SECTION 103. Every applicant for a certificate of the second grade, shall be examined in all the branches required for a certificate of the third grade, and in addition thereto, in grammatical analysis, physiology, physical geography, elementary algebra and United States history, and if found qualified, shall receive a certificate which shall entitle the holder to teach in any town in the county in which he is examined, and which shall be in force for one year from the date thereof.

Applicants for a *second grade* certificate should understand the rules of pronunciation and elocution, and be able to read with intelligence and expression ; they should write a plain bold hand, and be able to teach some good system of penmanship ; they should thoroughly understand commercial arithmetic, and be able to teach book-keeping by single entry ; they should write grammatically and compose with facility, and should have, in addition to a thorough knowledge of the branches required for a third grade certificate, a good knowledge of the additional branches required for the second grade.

SECTION 104. Every applicant for a certificate of the first grade, shall be examined in all the branches in which applicants for certificates of the second and third grades are examined, and in addition thereto, in higher algebra, natural philosophy and geometry, and if found qualified, shall receive a certificate which shall entitle the holder to teach in any town in the county in which he is examined, and which shall be in force for two years from the date thereof.

Certificates of the first *grade* should be granted only to those who have had experience in the profession, and who have



been eminently successful in the government of schools. Every qualification heretofore indicated as necessary or valuable to a teacher should be possessed by those who receive from the county superintendent the highest testimonial provided by law.

Superintendents must, however, rely upon their own judgment, rather than upon rules and regulations respecting the examination of candidates, for most will come far short of any ideal that may be formed of the true teacher.

SECTION 105. Each county superintendent of schools may demand an examination in such additional branches as the applicant may be required to teach, and whenever he shall deem it necessary, may require a re-examination of any teacher in his county for the purpose of ascertaining his qualifications to continue as such teacher.

SECTION 106. The county superintendent of each county shall, under the advice and direction of the state superintendent, establish for his county the standard of attainments in each branch of study which must be reached by each applicant before receiving a certificate of either grade, and the standard so established shall be uniform for the county.

SECTION 107. No school-district clerk shall have power to contract with a teacher unless such teacher shall have a certificate of qualification in force at the time of making such contract; and when a district is composed of parts of two or more counties, the clerk of said district shall not have power to contract with a teacher unless such teacher shall have a certificate of qualifications signed by the superintendent of the county in which the school-house is situated, and in force at the time of making such contract.

SECTION 108. The county superintendent may annul any certificate given by him or his predecessor in office, when he shall think proper, giving at least ten days previous notice in writing to the teacher holding it, and to the district board of the district in which he may be employed, of his intention to annul the same.\*

SECTION 109. The annulling of a certificate shall not disqualify the teacher to whom it is given, until a notice thereof containing the name of the teacher, the time when the certificate was annulled, and the reasons for such annulment, shall be filed by the county superintendent in the office of the town clerk of the town in which such teacher is engaged in teaching.

SECTION 110. Any person refused a certificate as a teacher by the county superintendent, may apply to the state superintendent for a re-examination; and if upon such re-examination the state superintendent shall be satisfied that the applicant is legally quali-

\* See Forms Nos. 53 and 54.

fied, he shall issue a certificate which shall have the same force, and entitle the holder to the same privileges, as if he held a certificate from the county superintendent: *provided*, that any county superintendent refusing a certificate to an applicant, upon demand, shall give such applicant a written statement of the reasons why he, the said superintendent, refuses to issue such certificate; which statement shall in all cases be presented to the state superintendent by the person requiring a re-examination.

An appeal from the action of a county superintendent in refusing to grant a certificate, must be conducted according to the rules and regulations of the department governing appeals. As the county superintendent fixes the standard of attainments under the advice of the superintendent of public instruction, no appeal need be taken under the impression that the standard will be lowered. The forms and rules to be observed by a teacher in taking an appeal will be found under section 122.

#### STATE TEACHERS' CERTIFICATES.

The law authorizing the state superintendent to "issue state certificates of high grade to teachers of eminent qualifications" (chapter 169, general laws of 1868), is as follows:

SECTION 1. The state superintendent of public instruction is hereby authorized to grant state certificates to teachers, in the manner hereinafter provided.

SECTION 2. The state superintendent shall, before each examination held under the provisions of this act, appoint three competent persons, residents of this state, who shall constitute a board of examiners and who shall, under rules and regulations, to be prescribed by the said superintendent, thoroughly examine all persons desiring state certificates in the branches of study in which applicants are now required to be examined by county superintendents for a first grade certificate, and in such other branches as the state superintendent and said examiners may prescribe.

SECTION 3. If the examiners shall be satisfied that an applicant possesses the requisite scholarship in all the branches of the studies before mentioned, they shall certify the fact to the state superintendent, and if such applicant shall furnish evidence of good moral character, experience and success in teaching, satisfactory to said superintendent, he shall thereupon issue to such applicant a certificate which shall be valid until revoked, and which shall qualify the holder to teach in any public school in any city, town or school-

district of this state, without any further examination by a city or county superintendent, or any other person or board whatsoever.

SECTION 4. Said certificate may be revoked by the state superintendent for incompetency or immoral conduct : *provided*, that before any such revocation, the holder shall be served with a written statement of the charges against him, and shall have an opportunity for defense.

SECTION 5. A meeting for the examination of applicants for state certificates shall be held at the capitol in the city of Madison, on the second Wednesday of August in each year ; and additional meetings may be held at such times and places as the state superintendent shall prescribe.

SECTION 6. All moneys actually and necessarily expended by each member of the board of examiners in attending meetings for the examination of teachers, shall be refunded to him, and he shall also receive three dollars per day for all time actually and necessarily spent in holding such meetings, or in going to or returning from the same. Accounts for such services and expenses shall be audited by the secretary of state ; and there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, a sum sufficient to pay the amounts thus audited.

SECTION 7. The state superintendent shall record in a book kept for that purpose the date of each certificate issued, and the name, age and residence of the person to whom it was granted, and he shall file in his office for permanent preservation all papers relating to the examination of applicants for state certificates.

Applicants for a state certificate are required to comply with the following terms and conditions :

1. To furnish satisfactory evidence of good moral character.

2. To furnish satisfactory evidence of having taught, with success, not less than three years, at least one of which shall have been in this state.

3. To pass a *thorough* examination in orthography, reading, penmanship, mental and written arithmetic, English grammar, modern geography in all its departments, history of the United States, algebra, natural philosophy, geometry, and theory and practice of teaching.

4. To pass a *satisfactory* examination in the elementary principals of physiology, botany, zoology, chemistry, geology, political economy and mental philosophy.

5. To pass a satisfactory examination in the constitution and organization of the government of the United States and of the state of Wisconsin, and in the school laws of this state, so far as they relate to the rights and duties of teachers.

When an applicant is personally known to the state superintendent, or to either member of the board of examiners, as having a good moral character, no specific testimony will be required; but when not thus known, written testimonials from one or more responsible persons acquainted with the applicant must be presented.

In respect to the length of time that an applicant has taught, his own declaration giving the time, place and kind of school, will be sufficient.

The proof of success in teaching must be clear and explicit. Written testimonials from employers, or other responsible and competent persons, will be required.

The examination will be conducted by both oral and printed questions, in such a manner that exact justice will be done to each applicant.

The necessary stationery, &c., will be furnished by the state superintendent, and no fee will be charged for certificates.

A state certificate entitles the holder to teach in any public school in the state, and will be valid during life, unless revoked for incompetency or immorality.

It is the object of the law to recognize and honor those experienced and successful teachers who have given character to their profession, and to furnish to young teachers a proper incentive to honorable exertion.

It is hoped that through the hearty co-operation of all persons interested in the subject, the objects of the law may be fully realized, and that the standard of teachers' qualifications may be essentially raised, and more clearly defined.

#### SCHOOL-DISTRICT LIBRARIES.

SECTION 111. Every school-district library and the appurtenances thereunto belonging, shall be deemed to be vested in the dis-



trict board of the district, so as to enable them to maintain any action for the same, or for the value thereof, or for the recovery of any fine or penalty for damage done to any book or books, or neglecting to return or loss of the same; and all such fines and penalties incurred in consequence of a violation of any regulation lawfully established in respect to district libraries, shall be sued for and collected in the name of such district board, and when so collected shall be applied for the benefit of such district library.

SECTION 112. The legal voters in any two or more adjoining districts may, in such cases as may be approved by the town supervisors, unite their libraries, and also their library moneys, as they shall be collected or received, and purchase a joint library for such districts, which shall be selected by the district boards thereof, or by such persons as they shall designate, and shall be under charge of a librarian to be appointed by the district boards of such districts; and the provisions of this chapter shall be applicable to such joint libraries, except that the property in them and their appurtenances shall for the time being be deemed vested in all the district boards so united; and in case any such district shall desire to divide such library, such division shall be made by the directors of the districts whose libraries are so united, and in case they cannot agree, then such division shall be made by the town supervisors.

SECTION 113. The clerk of the district, or such other person as the taxable inhabitants may at any legal meeting appoint by a majority of votes, shall be the librarian of the district, and shall have the care and custody of the district library.

The following regulations for the management of school district libraries are prescribed by the superintendent of public instruction under the authority of section 64 of chapter 10 of the revised statutes:

1. The district librarian shall have charge of the library, and keep a catalogue of all the books in the library under his care, in a book to be provided by the district for that purpose.

2. Every volume in a library shall have pasted on the inside of the cover a printed paper, specifying the name of the district; the number of the volume; the fine for not returning it within the specified time, and for loss of or injury to any book. Blanks for this purpose will be furnished to the districts upon application to this department.

3. Every volume loaned shall be entered by the librarian in a book, to be provided by the district for that purpose, by

its number, with the day on which it was loaned; the name of the borrower, and the name of the person to whom it is charged (see Regulation 5); the date when returned, and condition of the book; the fine assessed for detention or injury done to the book, in the following form :

Time of delivery.	No. of book.	To whom delivered.	To whom charged.	When returned.	Condition of book.	Fine for detention.	Fine for injury.
1870. June 10.	44	Jno. Ward.	W.Green.	June 24.	Good.		

4. No person shall be allowed to have more than one volume at a time, or to retain the same longer than two weeks; nor shall any person, who has incurred a fine imposed by these regulations, receive a book while such fine remains unpaid.

5. Books may be loaned to minors and charged to their parents, guardians, or the persons with whom they reside, who shall be responsible for the books under these regulations.

6. On the election of a librarian, his predecessor shall, within ten days thereafter, deliver to him all the printed and manuscript books, pamphlets, papers, cases, and all other property belonging to the library which was in his custody, for which the librarian shall give him a full receipt, discharging him from all responsibility therefor, except in the case herein provided; and on receiving the library property, the librarian shall carefully examine all books, etc., and if any loss or injury shall have been sustained, for which a fine has not been imposed by his predecessor, or for which a fine has been imposed and not certified by him to the treasurer, the librarian shall certify the amount thereof to the treasurer, who shall collect the same of such predecessor in the same manner as other fines are collected.

7. In case of a vacancy in the office of librarian, the district clerk shall perform the duties of librarian, until the vacancy is filled.

8. If any person, having held the office of librarian, shall neglect or refuse to deliver to his successor all the library

property, as prescribed in the sixth regulation, the director shall forthwith commence an action in the name of the district board for the recovery of the property he shall so neglect or refuse to deliver.

9. On the return of every book to the library, the librarian shall examine it carefully, to ascertain what injury, if any, has been sustained by it, and shall charge the amount of fine accordingly ; and in every case of injury not specified in these regulations, he shall assess the amount of damages to be paid, subject to revision by the district board.

10. The following fines are established by the state superintendent, viz. :

1st. For detaining a book beyond two weeks, five cents per week.

2d. For the loss of a volume, the cost of the book ; and if one of a set, an amount sufficient to replace it, or to purchase a new set.

3d. For a leaf of the text torn out and lost, or so soiled as to render it illegible, the cost of the book.

4th. For any other injury beyond ordinary wear, an amount proportionate to the injury, to be estimated by the librarian.

5th. Whenever any book shall not be returned within six weeks from the time it was loaned, it shall be deemed to be lost, and the person so detaining it shall be charged with its cost in addition to the weekly fine for detaining the book, up to the time such charge is made. But if the book is finally returned the charge for loss shall be remitted ; and the fine for not returning the same be levied up to the time of such return : *provided*, that in no case shall the amount of weekly fines exceed double the cost of the book.

11. On the third Monday of August, November, February and May, and also immediately before he vacates his office, the librarian shall report to the district treasurer the name of every person liable for fines, and the amount each such person is liable to pay ; and the treasurer shall give the librarian a

certificate of the same, and immediately proceed to collect the same, and if not paid, shall so certify to the director, who shall forthwith bring an action in the name of the district board for the recovery thereof.

12. All library fines shall be paid to the district treasurer, who shall keep account of the same, and shall report thereon to the annual district meeting, giving the name of each individual fined, the amount of the fine, and the sum total of all fines, which report shall be recorded by the clerk; and the district treasurer shall be responsible for all fines uncollected through his neglect.

13. On the first day of September in each year, the librarian shall report to the district clerk as follows :

- 1st. The number of volumes in the library ;
- 2d. The number of volumes purchased during the year ;
- 3d. The number of volumes presented during the year ;
- 4th. The number of volumes loaned during the year [*counting each volume once for each time it is loaned ;*]

5th. Amount of fines collected ;

6th. Amount of fines expended ;

7th. Amount of fines remaining unexpended.

14. The library fines collected must first be applied to the replacing of lost volumes, binding pamphlets, and rebinding such books as may require it.

15. In case of joint libraries, the reports required above shall be made to the officers of the district in which the library is located.

#### TOWN LIBRARIES.

In this connection is given the law which provides for the establishment of town libraries. The act is chapter 174 of the general laws of 1868 :

SECTION 1. Any town within this state is hereby empowered to establish a town library, for the use of the (*said*) people of said town. The vote for said purpose shall be taken by ballot, and a majority of all the votes cast shall be requisite to the establishing



of said town library. The affirmative ballots shall read "for town library," and the negative ballots shall read "against town library."

SECTION 2. Such town, at its annual meeting is hereby empowered to elect, in each year, a librarian, who may hold his office for one year, or until his successor is elected or appointed and qualified. Whenever a vacancy in said office shall occur from any cause, the town board of supervisors are hereby empowered to fill such vacancy by appointment.

SECTION 3. Such town is hereby empowered to make all by-laws, rules and regulations pertaining to such town library. In case the town does not make by-laws, rules and regulations, as aforesaid, it shall be the duty of the librarian, under the advice of the town board of supervisors, to do the same.

SECTION 4. Any school-district may donate or sell any book or books belonging to the said district library, to the town in which it is situated, to form a part of the town library.

SECTION 5. For the purpose of purchasing books, furnishing a place to keep them and paying the librarian for his services, the town may raise a sum of money, not to exceed one hundred and fifty dollars in any one year, such sum to be expended under the direction of the town board of supervisors.

SECTION 6. For the performance of the duties of his office, the librarian may be required to execute a bond, to be approved by the town board of supervisors, in such sum as they may deem necessary.

#### BORROWING MONEY TO BUILD SCHOOL-HOUSES.

SECTION 114. Whenever any school-district within the state shall desire to make a loan of money to aid in the erection of a school-house or houses, the question of a loan shall first be submitted to the legal voters authorized to vote at an annual school meeting, the vote to be taken by ballot. Those voting in favor of the loan shall have written or printed, or partly written or printed, on their tickets, "*for the loan.*" and those voting against the loan shall have written or printed or partly written or printed on their tickets, "*against the loan.*" And if a majority of all the legal voters, resident in the district shall vote in favor of the loan, then the district board of any such school district, the trustees of any village, the common council of any city, or the board of education for such village or city, within the bounds of which any such school-district is located, shall have power and authority to borrow money to aid in the erection of a school-house or school-houses under the restrictions hereinafter mentioned.

SECTION 115. The money loaned in pursuance of the provisions of the preceding section, shall not be borrowed for a longer period than five years, and shall draw such rate of interest as may be agreed upon by the parties, but in no case exceeding a greater rate than that established by law; and the said district board, trustees, common council or board of education, are hereby authorized to give notes, bonds or execute a mortgage upon any of the property, real

or personal, belonging to the district making the loan, to secure the payment of the principal and the interest on the sum so borrowed; and the sum so borrowed shall in no case exceed ten per cent. on the valuation of the real estate contained in the district for the benefit of which the loan is made, according to the valuation contained in the last assessment roll or rolls of the town or towns, village or city in which such school-district may be situated.

The vote authorizing the district board to borrow money, may be taken at any regular meeting, properly called; as the provision in section 114 in reference to an annual meeting, simply designates the class of persons who may vote upon the question, and not the time when the meeting should be held. The vote must be taken by ballot, and the result must be recorded in the records of the district.

To authorize a loan requires that a majority of all the legal voters in the district should vote in favor of it. Great care should be exercised in conducting all proceedings relating to loans. Every opportunity should be given for a fair and full expression of the will of the people.

#### LEGAL RIGHTS AND LIABILITIES OF DISTRICTS.

SECTION 116. Justices of the peace shall have jurisdiction in all cases in which a school-district is a party interested, when the amount claimed by the plaintiff, or the penalty for which suit is brought, shall not exceed one hundred dollars, and the parties shall have the same right of appeal as in other cases; and when an action shall be brought against any school-district, it shall be commenced by summons, a copy of which shall be left with the director.

SECTION 117. No execution shall issue on any judgment against a school-district, nor shall any action be brought thereon, but the same shall be collected in the manner prescribed in this chapter.

SECTION 118. Whenever any final judgment shall be obtained against any school-district, if the same shall not be removed to any other court, the director of such district shall certify to the town clerk of the town the date and amount of such judgment, with the name of the party in whose favor the same was rendered, and if such judgment shall be removed to another court, the director shall certify the same as aforesaid, immediately after the final determination thereof against the district.

SECTION 119. If the director shall fail to certify such judgment, as required in the preceding section, it shall be lawful for the party

obtaining the same, his agent, attorney or legal representative, to file with the town clerk of the town the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified by such director.

SECTION 120. If the district against which any such judgment shall be rendered, is situated in parts of two or more towns, a certificate thereof shall be delivered as aforesaid to the town clerk of each town in which such district is in part situated.

SECTION 121. The town clerk receiving either of the certificates of judgment as aforesaid, shall proceed to assess the amount thereof, with interest from the date of such judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of said district, placing the same upon the next town assessment roll in a separate column, and the same proceedings shall be had thereon, and the same shall be collected and returned in like manner as other town taxes, and shall be paid to the party entitled thereto. If such district is situated in two or more towns, the clerk of each town shall, on demand of any person interested, furnish for the clerk of every other town in which any part of the district is situated, a certificate showing the total amount of the valuation of taxable property in that part of the district situate in his town, according to the last assessment roll of said town, and the amount of the judgment shall be assessed upon the respective parts of the district within the several towns in proportion to such valuation. In all cases when, for any reason, the clerk of any town has heretofore failed, or shall hereafter fail to assess the amount of any such judgment, or the proper proportion thereof, in the next assessment roll after the rendition of the judgment, it shall be his duty to assess the same in any subsequent assessment roll within two years thereafter, upon the taxable property within the district or part of a district situate within his town, according to its limits at the time of making the assessment.

The property belonging to the district is not liable to levy or sale upon an execution. Immediately upon the rendition of any judgment against a school-district, the director shall certify the same to the town clerk, or if the district be a joint district, to the clerk of each town in which such district is in part situated. If the director fail to certify the judgment, as above specified, the certificate of the justice, or of the clerk of the court rendering the judgment may be filed instead. The town clerk is then required to assess the amount of the judgment with interest thereon, in a separate column, in the next assessment roll, and the tax when collected, shall be paid to the party entitled thereto.



## APPEALS.

SECTION 122. Any person conceiving himself aggrieved in consequence of any decision made by any school-district meeting, or by the town supervisors in forming or altering, or in refusing to form or alter any school-district, or concerning any other matter under the provisions of this chapter, may appeal to the state superintendent, who is hereby authorized and required to examine and decide the same, and such decision shall be final and conclusive : *provided, however*, that the decision appealed from shall be operative until the state superintendent shall reverse the same ; *and provided, further*, that the state superintendent shall make and file his decision within thirty days after the hearing thereof is closed, or in cases where appeal has already been heard but not decided, then within thirty days after the publication of this act ; and no decision of the state superintendent made or filed after the lapse of said times, respectively, shall invalidate or in any way affect the decision of any school-district meeting or town supervisors from which such appeal has been or may be made.

An effort has been made to give, under the appropriate section, in the foregoing pages, such an exposition of the statutes relating to common schools as will aid school officers in the discharge of their duties. If, however, after examination of these instructions, it is deemed necessary to apply to the department for further information, it must be borne in mind :

1. That no *decision* can be rendered on any subject affecting in any manner the rights or interests of different parties, without giving to both sides an opportunity of being heard. This occurs when an appeal is regularly brought in the manner prescribed in the rules regulating appeals, or when all parties have signed and united in transmitting a statement of facts in regard to which they agree.

2. That an *opinion* given without affording to both sides a hearing, must be regarded as valid only so far as the statement on which it is founded represents fairly and fully the facts in the case. Sometimes it happens that two persons, applying for advice upon the same question, state the facts differently, and of course receive dissimilar replies. They are thus confirmed in their difference of opinion, instead of being reconciled. No opinion should be asked upon a hypothetical case ; but the actual *facts* out of which the question arises should be clearly



and briefly stated, with all practicable certainty as to dates and numbers, and in such a manner as to indicate the object of the inquiry.

It is desirable that one page of all letters sent to the department should be left blank. Those addressing the office, no matter how frequently they may write, should state the name of the post office to which they desire replies to be addressed.

Oftentimes the advice of the county superintendent will be sufficient, to arrange differences that may arise. If neither in this way nor by writing to this department such differences can be settled, an appeal may be taken.

The following are the

#### RULES RESPECTING APPEALS.

1. An appeal must be in writing, addressed to the "Superintendent of Public Instruction," and signed by the appellant, but no particular form of statement is necessary.

2. The appeal should be as brief as is consistent with a complete statement of the case. It should set forth the action or proceedings appealed from, and the reasons why such action should be set aside. If the appeal is founded upon the refusal of the supervisors to act, the reasons why the action asked for should have been taken by such supervisors must be clearly shown. If the appeal relates to the formation or alteration of a district, a map or plat of the territory affected by the action appealed from, should be prepared, showing the boundaries of the district or districts embraced therein, the location of the residences of the inhabitants, the highways, marshes, etc. A statement showing the assessed valuation of the district or districts, or of the several parts of a district divided, and the number of children over four and under twenty years of age residing in each, should accompany the map, and form a part of the papers in the case. When the papers are completed, they should be fastened together, numbered or lettered for reference, and an affidavit attached setting forth that the statements therein made are true, and that

the map, list of children, and valuation of property are correct. The affidavit may be in form as follows :

A. R., being duly sworn, deposes and says, that the statements made in the above appeal, all and several, are true, according to the best of his knowledge and belief, and further, that the accompanying map, list of children, and valuation of property are correct.

[Signed.]

\_\_\_\_\_,  
*Appellant.*

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

C. D.,  
*Justice of the Peace.*

NOTE—In other matters than formation or alteration of districts, the latter part of the affidavit may be omitted.

3. A complete and correct copy of the appeal and affidavit, and all accompanying papers should be made, to which another affidavit should be attached, stating that they are correct copies of the papers in the case.

The form of this affidavit may be as follows :

A. B., being duly sworn, deposes and says, that the above is a full and correct copy of an appeal and all accompanying papers, designed to be sent to the superintendent of public instruction.

[Signed.]

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 18—.

C. D.,  
*Justice of the Peace.*

This affidavit should be made upon the copy only—not upon the original appeal that is to be sent to the state superintendent. This copy should then be served upon the party from whose action the appeal is taken, either by handing it to him, or leaving it at his residence. If the appeal is from the action of the supervisors, the chairman of the board is a suitable party upon whom to serve the copy. If from the proceedings of a district meeting, upon the clerk or chairman of the meeting. It should not be served, however, upon an individual who did not sustain the action appealed from, as in that case no answer is likely to be made.

The person serving the copy of appeal, should carry with him the original appeal, so that, if desired, the party from whose action the appeal is taken, may admit service of a true copy, by the following form indorsed upon the original appeal :

I, E. F., do hereby admit service of the above (or within) appeal.

[Signed,]

In case no such admission of service be made, the appellant will append to his appeal an affidavit of the following form :

A. B., being duly sworn deposes and says, that upon the — day of —, 18—, he did serve a true and verified copy of this appeal, and all accompanying papers, upon E. F. by handing the same to the said E. F. (or by leaving it at his residence, as the case may be).

[Signed,]

Sworn to and subscribed before me this — day of —, 18—.

C. D.,

*Justice of the Peace.*

When several persons unite in making an appeal, the affidavits may be so changed as to admit the names of all the appellants, and each should sign the appeal and subscribe to each and every affidavit. When the action appealed from is the action of several persons, it is sufficient to serve a copy of the appeal upon any one of the number, though it should always be served upon one not agreeing with the appellants, that an answer may be made.

When all the above directions are complied with, the original papers are ready to be forwarded to this office.

4. An appeal should be taken within thirty days from the performance of the act appealed from, or within thirty days after the action complained of has come to the knowledge of the appellant.

THE ANSWER.

1. The appellee has fifteen days in which to prepare his answer, and all the directions above given, in reference to the preparation and service of a copy of the appeal papers,

should be complied with in preparing and serving the answer upon the appellant, before it is forwarded to the state superintendent. The forms of affidavit given above, will answer in all cases for forms to be used by the appellee, by changing the words so that the affidavit shall refer to an "answer to an appeal," instead of to an appeal, and by signing it as appellee instead of appellant.

2. The answer to an appeal may be served upon any one of a number of appellants. When the town board of supervisors is a party, and papers have been served upon the chairman, if he is in favor of the party appealing, one of the other supervisors should make answer.

3. In case of neglect of the proper appellees to answer an appeal, any person having an interest in the matter may make answer to it, being governed in all cases by the same rules as would govern an appellee.

#### REPLICATION OR REJOINDER.

A replication or rejoinder will be allowed, upon proof that new facts have come to the knowledge of the party wishing the rejoinder, since the appeal or answer has been submitted to the state superintendent, or that there are material errors in the statements of the other party.

#### GENERAL REMARKS.

If the appellant or appellee presents statements of other parties, these statements should be verified by the affidavit of the person making the same.

All decisions on appeal must be filed or recorded as the state superintendent shall direct.

No decision can be rendered on *ex parte* statements. No papers will be considered that are not properly verified, and properly served on opposing parties.

The propriety of leaving out of appeals all matters of a purely personal character, except as they may have a direct bearing upon the subject, is obvious.



As appeals are decided upon written and not upon oral evidence, it is not necessary or proper for either party to appear in person, expecting to be heard in the case without the presence of the other party.

Particular care should be taken to follow the directions in regard to affidavits, serving copy &c., so that it may not be necessary to send papers back for correction.

Not only must every paper presented in a case, by either party, be verified by affidavit, and a copy be served on the other side, but in making the copy, care must be taken to give every affidavit as well as the statement which it verifies. If this is not done, the party upon whom such copy is served has no evidence that the original was sworn to.

If the appeal is not taken or the answer or rejoinder made within the prescribed time, the reasons for the delay must be given.

Most of the appeals made to this department grow out of the alteration or formation of school-districts, or the refusal to form or alter the same. In view of this fact the superintendent is led to remark, not only that these controversies are often very injurious to the interests of education, but that they would be avoided, so far as they relate to matters of school-districts, if towns favorably situated for the purpose would adopt the "town organization of schools," the law providing for which is given on a subsequent page.

#### APPEALS BY TEACHERS.

Any person refused a certificate by the county superintendent of schools, may make appeal to the state superintendent, according to section 110, using the following form :

*To A. B. County Superintendent of Schools for — County :*

SIR : You are hereby notified that I intend to appeal from your refusal to grant me a certificate, and I hereby ask you for your reasons for such refusal, that I may present the same to the state superintendent, when I appear before him for re-examination.

Respectfully yours,

---

The teacher applying for re-examination will be expected to present the statement of reasons for refusal of certificate by the county superintendent, also certificates from responsible parties as to moral character of applicant; and if an applicant for any other than a third grade certificate, some testimonials of success in teaching. He should also notify the superintendent of public instruction, by letter, of his intention to apply for a re-examination, that a time may be fixed, which may be convenient to both parties.

In case a teacher's certificate is annulled, he also has a right of appeal. For this purpose the following form may be used :

*To A. B. County Superintendent of Schools for ——— County :*

SIR: You are hereby notified that I intend to appeal from your action in annulling my certificate, and I hereby ask for your reasons for such action, that I may present the same to the state superintendent when I appear before him for re-examination.

Respectfully yours,

---

The directions given above in regard to an appeal from a refusal to grant a certificate, apply also to this case.

#### FINES AND PENALTIES.

SECTION 123. Every taxable inhabitant receiving the notice mentioned in the second and third sections of this chapter, who shall neglect or refuse duly to serve and return said notice, and every chairman of the first district meeting in any district who shall willfully neglect or refuse to perform the duties enjoined on him by this chapter, shall, respectively, forfeit the sum of five dollars.

SECTION 124.\* Every person duly elected to the office of director, treasurer or clerk of any school-district, who shall neglect or refuse, without sufficient cause, to accept of such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this chapter, shall forfeit the sum of ten dollars; and any school-district officer may, for willful neglect of any duty, be removed from office by the county judge of the county in which such school-district officer shall reside. The application for such removal shall be by written petition of a majority of the legal voters of said school-district in which such officer resides, or of any person aggrieved by such neglect of duty. Such petition shall contain a full

\* Amended by chapter 175 of the general laws of 1868.

statement of all charges preferred against such officer, and a copy of said petition, together with a notice of the time and place (within said county), when and where a hearing upon such petition will be had before the county judge, shall be served upon said school-district officer at least ten days before such hearing. Upon the hearing, the officer so proceeded against, shall have full opportunity to be heard in his own defense, and the county judge shall have authority to administer oaths to witnesses offered in relation to the charges in such petition, and upon satisfactory proof of such neglect of duty, may, by order under his hand, remove such school-district officer from his office, and in case of removal shall forthwith file such order in the office of the town clerk of the town in which the district affected by said order is situated, and shall also forthwith cause a copy of such order to be served upon each of the remaining officers of such district. And the person so removed from office shall not be appointed under section 50 of this chapter to fill the vacancy occasioned by such removal. For all service performed under the provisions of this act the said county judge shall receive from the county treasurer the sum of three dollars for each day actually employed.

SECTION 125. Every school-district officer who shall neglect or refuse to deliver to his successor in office all records, books and papers appertaining to such office, shall be subject to a fine not exceeding fifty dollars.

SECTION 126. Every clerk of a district who shall willfully sign a false report to the town clerk of his town, with intent of causing such town clerk to apportion to his district a larger sum than its just proportion of school moneys, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding six months; and any district clerk who shall willfully neglect to make the annual report from his district, as required by this chapter, shall be liable to pay the whole amount of money lost by said district in consequence of his neglect, which moneys shall be recovered in an action prosecuted by the director, in the name of the district.

SECTION 127. Every town clerk who shall neglect or refuse to make and deliver to the county superintendent his annual report, as required in this chapter, within the time limited therefor, shall be liable to pay the full amount of money lost by such neglect or refusal, with interest thereon, to be recovered by the town treasurer, in the name of the town, and every town clerk who shall neglect or refuse to carry into effect any decision or order of the state superintendent, shall be liable to removal by the town board of supervisors, upon proper notice thereof; and the said board shall have full power to fill any such vacancy in such manner as vacancies in other town offices are filled.

SECTION 128. In case the town board of supervisors shall refuse or neglect to carry into effect any decision of the state superintendent, made upon an appeal from their action or refusal to act,

each member of the board thus refusing or neglecting shall be liable to a penalty of fifty dollars, to be prosecuted for and recovered by any elector of the district from which the appeal is taken. Suit shall be brought in the name of the district, and in case judgment shall be rendered against the defendant, the forfeiture recovered shall be applied in the first place to pay the necessary expenses of the prosecution, and the balance, if any, shall be paid into the district treasury.

SECTION 129. Every county superintendent who shall neglect or refuse to make the report required in this chapter to be made by him to the state superintendent, within the time limited therefor, shall be liable to pay to each town the amount which such town, or any school-district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered by the town treasurer in an action prosecuted in the name of the town or district.

SECTION 130. All moneys collected or received by any town treasurer, under the provisions of section one hundred and twenty-seven and section one hundred and twenty-nine of this chapter, shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportion that the moneys lost by any refusal or neglect therein mentioned, would, according to the provisions of this chapter, have been apportioned and distributed.

SECTION 131. Any teacher who shall willfully neglect or refuse to comply with the requirements of section forty-five of this chapter, relative to keeping a school register, shall forfeit his or her wages for teaching during the time of such neglect or refusal.

SECTION 132. The treasurer of any legally organized school-district shall prosecute the town treasurer of the town in which such district is situated, for the recovery of any moneys lawfully due and belonging to such district, in all cases where such town treasurer shall neglect or refuse, for the space of ten days from the time fixed by law therefor, to pay over to the proper officer the school moneys aforesaid.

SECTION 133. It shall be competent for any town treasurer, in case of default of the county treasurer to pay over the school moneys which by law should be paid to such town treasurer, to commence action on the official bond of the county treasurer for the recovery of such moneys.

SECTION 134. Any district treasurer who shall use or pay out any moneys in his hands belonging to the district, without authority of law, shall be liable to a penalty of not less than five nor more than fifty dollars, and it shall be the duty of the director to prosecute the treasurer for the recovery of said penalty. In case the director shall refuse or neglect to prosecute, he shall be liable to a penalty of twenty dollars.

SECTION 135. Any district treasurer who shall purchase or receive any order drawn upon him, for less than the sum expressed in said order shall be deemed guilty of a misdemeanor, and upon con-



viction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

SECTION 136. Any clerk who shall draw an order upon the treasurer for the payment of wages of a teacher, not legally qualified, or for any other purpose not authorized by law, and every director who shall countersign such order, shall be liable to a fine of not less than twenty nor more than one hundred dollars; and any elector may prosecute for the use and benefit of such district, for the recovery of the fine prescribed in this section.

SECTION 137. In the prosecution of actions under this chapter, a copy of the official bond sued upon, duly certified by the officer in whose custody such bond is placed by law, shall be deemed sufficient for all purposes of proof required by law in said actions. And any actions under this chapter in which the sum claimed to be justly due, or the penalty and forfeiture incurred, shall not exceed the sum of one hundred dollars, may be commenced and prosecuted before any justice of the peace, in the same manner as other cases.

SECTION 138. Whenever any person designated by this chapter to prosecute a district or other school officer, for neglect of duty or for illegal action, shall fail or neglect to prosecute said officer for the space of ten days after being requested by any elector so to do, and in all cases not specially provided for, any elector may prosecute such officer in the name and for the use and benefit of such district, for the recovery of the fine or the infliction of the penalty prescribed by law for the failure of such officer to perform his duty, or for the illegal action of said officer, and in case judgment shall be rendered against the defendant, the forfeiture recovered shall be applied in the first place to pay the necessary expenses of prosecution, and the balance, if any, shall be paid into the district treasury.

SECTION 139. All the provisions of section forty-three of this chapter, in reference to the annual reports of the district clerks, shall apply to and be in force in every city and incorporated village in this state, and each city and village clerk, or clerk of the board of education, shall make and transmit to the county superintendent of schools for the county or district in which such city or village is situated, the report required by section fifty-seven of this chapter, within the time therein prescribed, any provisions of their charters or any law of this state to the contrary notwithstanding.\*

SECTION 140. Any person who shall willfully and maliciously interrupt or in any way molest or disturb any private or public school, while in session, shall, upon conviction thereof, be punished by fine not exceeding twenty-five dollars, or by imprisonment in the county jail not exceeding thirty days.

SECTION 141. The state superintendent is hereby authorized and required, on or before the first day of June, in each year, to

\*The provisions of this section are modified by chapter 128 of the general laws of 1870, which will be found on page 72.

furnish to each school district clerk, town clerk and county superintendent of schools in the state, a blank form upon which such officers shall make their annual reports.

SECTION 142. Whenever hereafter any amendment shall be made to the provisions of this chapter, it shall be the duty of the state superintendent to furnish a copy of such amendment to every school-district in the state.

SECTION 143. All acts and parts of acts the provisions of which are fully embraced in this act, are hereby repealed.

Approved March 28, 1863.

# TOWNSHIP SYSTEM OF SCHOOL GOVERNMENT.

*Chapter 182—General Laws 1869.*

## TOWNSHIP SYSTEM OF SCHOOL GOVERNMENT.

SECTION 1. Each town which is now or may hereafter be organized in this state, is hereby declared and constituted one school-district for all the purposes of this act, and the several school-districts and parts of joint districts which are now or may hereafter be established in the several organized towns, shall be styled and known as sub-districts.

SECTION 2. New sub-districts may be formed and the boundaries of any sub-district may be altered by the town board of directors at any regular meeting of said board: *provided*, that the formation and alteration of any joint sub-districts shall be by the concurrent action of the boards of directors of all the towns embraced in part in such sub-districts.

SECTION 3. The clerks of the several sub-districts in any organized town, together with the clerks of the joint sub-districts, the school-houses of which are situated in such town, shall constitute the town board of school directors.

SECTION 4. The said board shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "the board of school directors of the town of \_\_\_\_\_" (the name of the town to which the board belongs), and in that name shall sue and be sued, and be capable of contracting and being contracted with and of holding real and personal estate and of selling the same, as authorized by the provisions of this act.

SECTION 5. The board of directors in each town are hereby invested in their corporate capacity, with the title, care and custody of all school-houses, school-house sites, furniture, apparatus and other property of all kinds belonging to the sub-school-districts therein, with full power to control the same, in such manner as will best subserve the interests of the schools in such town.

SECTION 6. The said board shall meet annually upon the first Monday in October in each year, at or as near as may be, the place where the last annual election was held. The second regular meeting of the board shall be held on the third Monday of March in each year. The hour of meeting shall be ten o'clock in the forenoon.

SECTION 7. Special meetings may be called by the president and secretary upon the application of one-third of the members of the board. Such meetings shall be called by notifying each member of the board personally, or by leaving a written notice at his place of residence or business, stating the time, place and objects of the meeting, at least five days before the time appointed therefor.

SECTION 8. The members of the board, a majority of whom shall constitute a quorum, assembled at the first and each succeeding annual meeting, shall elect from their number a president and vice president, and a secretary, who may or may not be one of their number : *provided*, he shall be a resident of the town to which the board belongs.

SECTION 9. The board of each town shall have power to purchase or hire houses and rooms for the use of schools and to fence and improve the same as they may deem proper, and upon such sites, to build, enlarge, alter, improve and repair school-houses, outhouses or any other buildings for school purposes, as they may deem advisable ; and also, whenever in the opinion of the board any school-house or school-house site is no longer needed for school purposes, the same may be sold and conveyed in the corporate name of the board, such conveyance to be executed by the president and secretary of the board.

SECTION 10. It shall be the duty of the board at the regular meeting in March, to estimate and determine the amount of money which will be necessary for the support of schools, and for the building and repairing of school-houses in the town for the year ensuing.

SECTION 11. It shall be the duty of the board to establish and maintain such and so many schools in the several sub-districts under their charge as they may deem requisite and expedient : *provided*, that there shall be at least one common school in each sub-district, and that all such schools shall be kept each year not less than five months. The board shall have in all respects the supervision and management of all the schools, with full power to adopt, enforce, modify and repeal, from time to time, all rules and regulations not inconsistent with the laws of this state necessary for their organization, gradation and control, and for the instruction given by them in the different branches of education taught therein, and to establish and enforce proper penalties for the violation of such rules.

SECTION 12. All the powers conferred upon school-district boards by the provisions of chapter 155 of the general laws of 1863 and the acts amendatory thereto, excepting those the exercise of which would conflict with the provisions of this chapter are hereby conferred upon the town boards of directors provided for in this act.

SECTION 13. The president, vice president and secretary of the town board of directors shall constitute an executive committee, which committee shall carry out, put in force and execute all orders of the board, and for this purpose all power and authority



vested in the board by the provisions of this act shall be deemed vested in the executive committee, and any duty devolved upon the said board by the said provisions shall devolve upon the executive committee: *provided*, that all the acts of the executive committee shall be subject to review by the board at any regular meeting thereof.

SECTION 14. The executive committee shall employ so many qualified teachers as they may deem necessary to give instruction in all the schools under the charge of the board. Each contract shall be in writing, shall be signed by the teacher and by the president and secretary, and shall specify the wages per week, month or year, as agreed upon by the parties.

SECTION 15. The secretary shall record all the proceedings of the board in a book kept for that purpose; he shall keep an accurate and specific account of all expenses incurred by the board, including a list of all orders drawn by him, with the date, amount, person in whose favor and object for which each order was issued; he shall properly file all papers deposited with him in accordance with law, and shall keep and preserve all books, papers and records belonging to his office, and deliver the same to his successor.

SECTION 16. He shall make and keep in his office an accurate map of his town, showing the boundaries of all sub-districts and joint sub-districts, and the location of all school-houses and highways therein. When a new sub-district is formed by the board of directors, or one is altered, he shall within ten days thereafter, certify to the clerk of each sub-district affected by such formation or alteration, a copy in writing of the record of the action of the board in the matter.

SECTION 17. He shall have the immediate charge and supervision of all the schools in his town, and shall, under the direction of the board of directors, organize and grade them, and assist the several teachers thereof in classifying and arranging them. He shall visit each school in his town at least twice during each term thereof; shall examine into its condition and progress, consult with and advise the teachers in regard to methods of instruction and government, and shall report to the board from time to time such improvements as his experience shall dictate are calculated to benefit the school.

SECTION 18. He shall draw orders on the town treasurer for moneys in the hands of such treasurer which have been apportioned to the town, and for moneys collected or received by him from other sources for school purposes, for the payment of teachers' wages, the purchase of school-house sites, the building, buying, hiring, repairing and furnishing of school-houses, and for all other purposes authorized by this act or by the board of directors acting under it: *provided*, that each order shall designate the object for which and the fund upon which it is drawn, and shall be countersigned by the president.

SECTION 19. It shall be the duty of the secretary, at least five days before the annual town meeting or election each year, to make to the board of supervisors of the town a written statement, showing the receipts of moneys for school purposes from all sources, and the disbursements of the same during the year ending on the third Monday of March, in which statement shall be given, under separate heads :

- 1st. The amount in the treasury at the beginning of the year.
- 2d. Amount received from the state fund.
- 3d. Amount collected by town treasurer.
- 4th. Amount received from all other sources.
- 5th. The manner in which sums have been expended, specifying the amount paid under each head of expenditure.
- 6th. Amount remaining in the treasury.
- 7th. Amount of indebtedness of the township district and when and how payable.

The secretary shall accompany the above statement with the estimates of the board of the amount necessary for the support of schools during the ensuing year, specifying the sums needed under the following heads :

- 1st. Amount for teachers' wages.
- 2d. Amount for school-house sites, and for building, hiring or purchasing school-houses.
- 3d. Amount for fuel.
- 4th. Amount for incidental expenses, including repairs, maps, globes, charts and for all needful school-room appurtenances.
- 5th. An amount not to exceed one hundred dollars, to purchase library books.

SECTION 20. It shall be the duty of the board of supervisors of each town in the state to present the statement and estimates above mentioned to the electors of the town, at the annual town meeting or election, and the items of said estimates shall be passed upon separately by a vote of the electors present: *provided*, that upon motion they may be increased or diminished; *and provided further*, that if for any reason moneys for the support of schools shall not be voted at the annual town meeting, or a sufficient amount shall not then be voted, the supervisors shall present the estimates before mentioned to the electors at the general election in the fall for a vote thereon.

SECTION 21. The secretary shall furnish school registers in the form prescribed by the state superintendent of public instruction, in which every teacher in the town shall be required to enter the names, ages and studies of all the scholars attending school, and daily their attendance and absence, which registers shall be deposited with the clerks of the sub-districts at the end of each term of school.

SECTION 22. It shall be the duty of the secretary, between the fifteenth and twenty-fifth days of September in each year, to make and transmit to the superintendent of schools for the county, a re-

port in writing, bearing date on the 15th day of September in the year of its transmission, stating,

1st. The whole number of sub-districts and parts of sub-districts separately set off within the town.

2d. The length of time a school shall have been taught in each of said sub-districts or parts of districts.

3d. The number of children taught in each, and the number of children over the age of four and under the age of twenty years residing in each.

4th. The whole amount of money received in the town for school purposes since the date of the last preceding report, setting forth separately the amount received from the state through the county treasurer, the amount levied by the county board of supervisors and the amount raised by the town at its annual town meeting.

5th. The manner in which said moneys have been expended, and whether any and what part remains unexpended, with such other information as the state superintendent may from time to time require.

SECTION 23. The town clerk shall assess all sums voted at the annual town meeting, or at the fall election, for the support of schools, upon the real and personal property of the town as found in the assessment roll for the year in which said moneys are voted, and the sums so assessed shall in all respects be collected or returned delinquent like other taxes, and when collected the money shall be held by the treasurer and be by him paid out on the order of the president and secretary of the town board of directors.

SECTION 24. If for any reason the electors of a town shall fail to vote an amount of money sufficient to maintain a school in each sub-district for the term of five months during the year ensuing, then the secretary shall, on or before the fourth Monday of November of the year in which the electors shall fail to vote as aforesaid, certify to the town clerk the amount estimated by the board of directors as necessary for teachers' wages, fuel, repair of school-houses and incidental expenses, and the town clerk shall assess the aggregate sum thus certified, upon all the taxable property of the town in the assessment roll for that year, and the town treasurer shall collect the same with the other taxes.

SECTION 25. It shall be the duty of the town treasurer of each town to apply for and receive from the treasurer of his county, all moneys apportioned for the use of common schools in his town, and to pay out the same, together with all moneys collected or received by him for school purposes, upon the order of the president and secretary of the town board of directors.

SECTION 26. The annual meeting of each sub-district shall be held on the last Monday in September in each year. The time of such meeting shall be seven o'clock in the afternoon.

SECTION 27. The inhabitants qualified by law to vote at a sub-district meeting, when assembled in annual meeting, shall have power and it shall be their duty,



1st. To appoint a chairman for the time being.

2d. To appoint a secretary, if the district clerk shall be absent.

3d. To choose a clerk.

4th. To recommend to the town board of directors the number of months they desire to have school maintained in their sub-district the ensuing year; and whether they desire a male or female teacher; the improvements and repairs which ought to be made on the school-houses, out houses, grounds, etc.; what maps, charts or other aids in teaching should be furnished, and generally, anything, matter or plan which in their judgment will advance the cause of education and benefit the school of their sub-district.

SECTION 28. The clerk shall record the proceedings of all sub-district meetings in a book kept for that purpose; shall certify to the town board of directors any recommendation adopted by the electors of his sub-district in accordance with the provisions of the preceding section, and shall have charge of the school-house and of all property therein or belonging or attached thereto, subject to the order or direction of the board of directors.

SECTION 29. He shall be a member of the town board of directors, shall attend all meetings of the board, and shall carry out all lawful orders of the same, having reference to the school-house of his district or the school maintained therein.

SECTION 40. He shall give at least six days previous notice of every annual meeting of the electors of his sub-district, by posting notices therefor in four or more public places in the sub-district, one of which notices shall be affixed to the outer door of the school-house, and he shall act as secretary of all such meetings when present.

SECTION 31. When any sub-district is formed or a vacancy occurs in the office of sub-district clerk, the executive committee of the town board of directors shall appoint a clerk, who shall hold his office until the annual meeting of the sub-district next succeeding such appointment.

SECTION 32. When a sub-district is composed of parts of two or more towns, the board of directors of the town in which the school house is situated shall have the entire control of said sub-district, and shall maintain school therein as in other sub-districts; and the clerk of said joint sub-district shall be a member of the board of directors of said town, whether he resides in the same or not. At the annual meeting in October, the board of directors shall calculate and determine the cost of maintaining the school in said joint sub-district for the year ending at the close of the term preceding the meeting of the board, and the secretary shall certify such amount to the secretary of the board of each town embraced in part in such joint sub-district, together with the assessed valuation of said sub-district and of each part thereof, as found in the assessment roll of said town for that year. On the receipt of such certificate, the secretary of the board of directors of each of said towns shall draw an order on the treasurer of his town in favor of



the treasurer of the town in which the school-house of said joint sub-district is situated, for such a proportion of the whole cost of maintaining said school as aforesaid, as the assessable property of his town embraced in said joint sub-district is to the whole valuation thereof; and said order shall be paid out of any moneys in the hands of said treasurer, collected or received by him for the support of schools in his town.

SECTION 33. In case either of the towns embraced in part in said joint sub-district shall not have adopted the township system of school government, the certificate before mentioned shall be made to the clerk of said sub-district, and it shall be his duty to incorporate the proportional sum mentioned in the preceding section in the returns of district taxes made by him to the town clerk of his town, on the *fourth* Monday in November succeeding the receipt of said certificate, and the said sum shall be assessed and collected with the other taxes of that part of the joint sub-district, and shall be paid over by the town treasurer collecting the same, to the treasurer of the town in which the school-house is situated.

SECTION 34. When the school-house of a joint sub-district is situated in a town which has not adopted the township system of school government, the taxes for the support of schools shall be raised, assessed and collected as provided in chapter 155 of the general laws of 1863, and the acts amendatory thereto; but if any portion of said joint sub-district shall be embraced in a town which has adopted said township system, then the proportion of any district tax which should be assessed upon the property of such part of said sub-district, shall be certified by the town clerk of the town in which the school-house of said joint sub-district is situated, to the secretary of the town board of directors of the town comprising the part of the said joint sub-district before mentioned, and said secretary shall draw an order upon the town treasurer of his town, in favor of the treasurer of the joint sub-district for the amount of tax thus certified, and the said town treasurer shall pay the same out of any moneys held or received by him for school purposes.

SECTION 35. Prior to the erection of any school-house by the town board of directors, they shall estimate and determine the valuation of all the school-houses and sites in their town, and when so determined the secretary shall place upon record a tabular statement containing the number of each sub-district, the value of its school-house and site and the valuation of its taxable property, as appears from the last assessment roll of the town; and thereafter for a period of ten years from the date of the meeting at which such determination of values was had, when a tax shall be voted to build a school-house or purchase a site, such tax shall be so distributed and assessed upon the several sub-districts, that those having the least amount invested in school-houses and sites in proportion to the assessed valuation of their property, as appears from the record made at the time of the determination of values aforesaid, shall pay most towards said tax in proportion to the assessed valuation of

their property at the time the tax is assessed, in order that the sums paid by the different sub-districts in the town for the purchase of sites and the erection of school-houses, shall be equalized: *provided*, that if the board of directors of any town shall decide that taxes for the purchase of sites and the erection of school-houses shall be assessed equally upon property, then the aforesaid provisions in reference to equalizing such taxes shall not be operative in such town.

SECTION 36. Each city in this state, and every village having a graded school with not less than three departments, shall constitute a separate school-district; and all those cities and villages having no system of school government provided for in their charters, shall be subject to the provisions of chapter 155 [general laws of 1863] and the acts amendatory thereto. Whenever the territory of a school-district of an incorporated village shall extend beyond the limits of said village, the whole of such territory shall remain in such district and form a part thereof until detached by authority of law, and the provisions of this act shall have no force or effect in such villages or districts.

SECTION 37.\* The legal voters of any town in the state may, at any town meeting or spring election or at any fall election, vote upon the question of "township school government." Such voting shall be by ballot, and the ballots used shall have written or printed thereon the words, "township school government—yes;" or the words, "township school government—no." A separate box shall be provided for the reception of said ballots, and the votes cast shall be counted, canvassed and a record thereof made as in the case of other votes cast at such election; and if it shall appear that a majority of the ballots cast have written thereon the words, "township school government—yes," then the provisions of this act shall immediately become operative in such town; otherwise they shall have no force or effect therein. No vote shall be taken upon the question of township school government in pursuance of this act, unless notice thereof shall be given as hereinafter provided. The town clerk of any town, upon the petition in writing of any ten electors of said town, shall publish by posting in three of the most public places in said town a notice in writing, that the question of township school government will be submitted to the electors of said town at the ensuing town meeting or fall election. Such notice shall be published and posted, at least ten days before the holding of any such town meeting or fall election; and any town having adopted the township school government according to the provisions of this act, may abolish the same at any town meeting or spring election, or at any fall election in the same manner as provided for its adoption in this section.

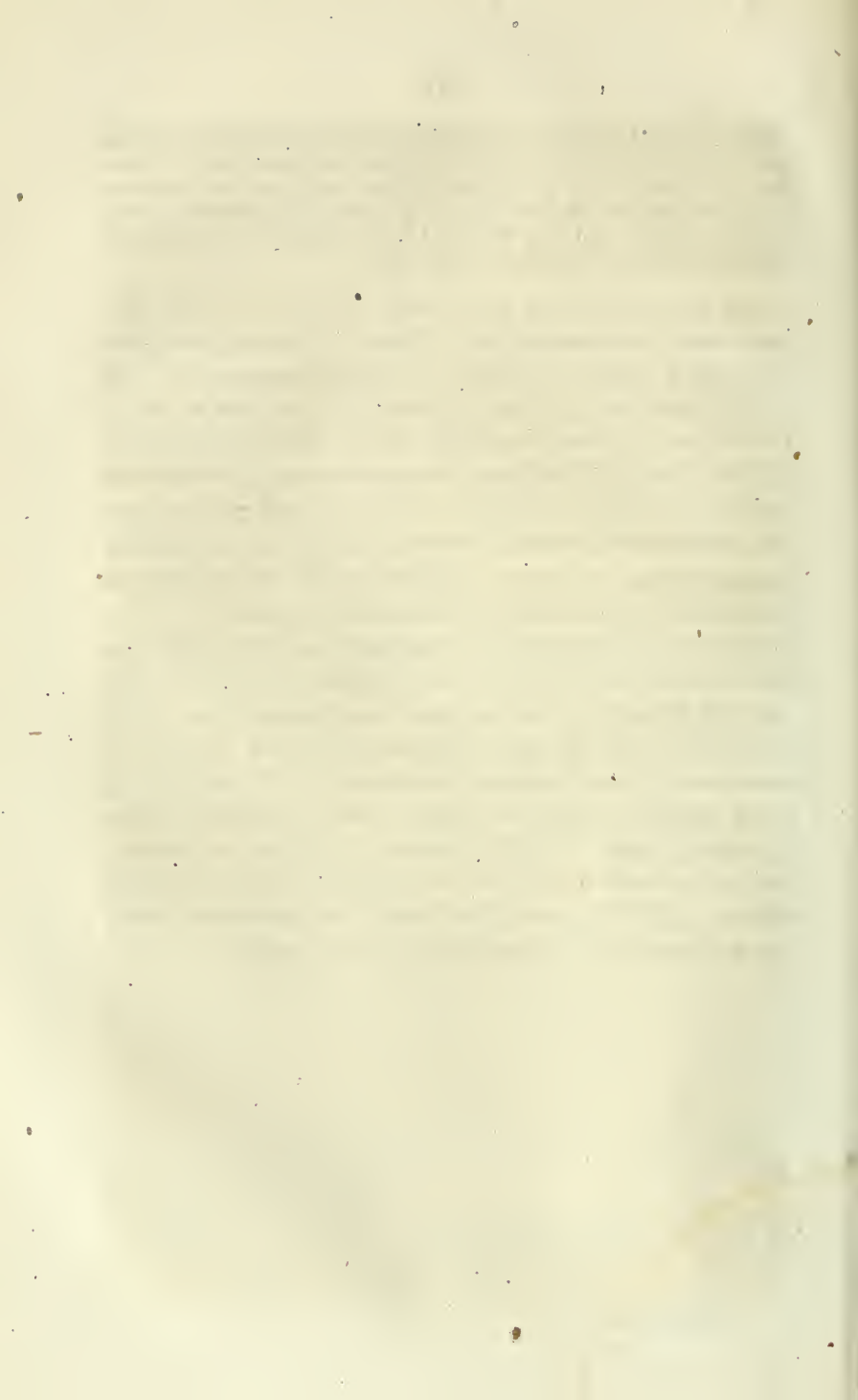
SECTION 38. The clerks of the various school-districts, together with the clerks of the joint school-districts, the school-houses of

\* Amended by chapter 33, general laws of 1870.

which are situated in any town adopting the township system in the manner provided in the preceding section, shall constitute the first board of directors for such town. They shall meet and organize within two weeks after the election at which said township system shall be adopted, and they shall hold their offices till the next annual meeting of the sub-districts of their town.

Not many towns have as yet made trial of the system provided for in the preceding act. There is a natural hesitation in changing from the methods of school management with which people are familiar, to others that are new to them. It will be seen that section 37 of the law is so modified that any town which adopts the new system and is not satisfied with it, can return to the old one. With a little patience however, and a willingness to consider the general good rather than local advantage, the town organization will be found much better than the plan of single independent districts.

As many of the reports from this department, especially the last three, have fully set forth the advantages of the system provided for in the preceding law, it is not necessary to dwell upon them here. Some amendments of the law would have been passed by the legislature last winter but for an accident which prevented them from being reached in the senate before the session closed. One of these was a provision for compensating the "secretary of the town board of directors" for his services. This and some other needed modifications of the law will be secured, if possible, at the next session.





# OF NORMAL SCHOOLS.

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*Chapter 151—General laws of 1869.*

## LAWS RELATING TO NORMAL SCHOOLS.

SECTION 1. All the provisions of law which direct the application and use of swamp and overflowed lands of this state, and of the lands selected in lieu of swamp and overflowed lands, and of the moneys received from the sale of such swamp and selected lands, and of moneys received from the United States in lieu of swamp lands for the purpose of drainage, and for supporting common schools, normal schools and academies, are hereby repealed, and all acts granting or offering to grant, or authorizing the conveyance of any such lands to any county, town, corporation, officer, board or to any other person or persons, are hereby repealed; and such grants, offers and authority are revoked and annulled, except so far as the title to such granted lands may have been actually diverted under such acts: *provided*, that nothing herein contained shall impair the obligation of any contract heretofore made.

SECTION 2. All the swamp and overflowed lands heretofore received by this state from the United States, under and in pursuance of an act of congress, entitled "an act to enable the state of Arkansas and other states, to reclaim the swamp lands within their limits," approved September 28, A. D. 1850, and which are now owned by this state, and all lands now owned by this state which were selected in lieu of swamp and overflowed lands, as authorized by an act of congress, entitled an "act for the relief of purchasers and locators of swamp and overflowed lands," approved March 2, A. D. 1855, and all moneys received from the United States in lieu of swamp and overflowed lands, under the provisions of the act of congress last aforesaid, and all moneys received by this state as purchase money for swamp and overflowed lands, and for lands selected as aforesaid in lieu of swamp and overflowed lands, including the amounts loaned and invested, together with all sums due or to become due, as balance of purchase money on contracts for the sale of such swamp lands and selected lands, shall, after deducting the incidental expenses heretofore paid from said funds, and the losses sustained therefrom, as near as they can be conveniently ascertained, be divided into two equal parts, the one part to be denominated, "the normal school fund," and the other to be denominated, "the

drainage fund." In making the partition between such funds, the swamp lands and moneys receivable on contracts for the sale of swamp lands, shall, as far as practicable, regard being had to the mode of distribution required by section six of this act, be set apart to the drainage fund; and the moneys received in lieu of, and in payment of lands as aforesaid, including the sums invested, and the lands selected in lieu of swamp lands, and the moneys receivable on contracts for the sale of such selected lands, shall, as far as practicable, be set apart to the normal school fund; and for the purpose of making such partition, one dollar shall be taken to be the equivalent of one acre of such land.

SECTION 3. All the swamp and overflowed lands which this state shall hereafter receive, pursuant to said act of congress, approved September 28, A. D. 1850, shall, on receipt thereof, be partitioned equally by counties, between the drainage fund and the normal school fund, and the part known as drainage fund, shall be set apart to the counties respectively, in which such lands lie, to be used and applied as the other drainage fund belonging to such counties is by this act directed to be used and applied. And all moneys which this state shall hereafter receive from the United States in lieu of swamp and overflowed lands, shall, on receipt thereof, be equally divided between the drainage fund and the normal school fund; and that part which is known as the drainage fund shall be distributed to the several counties in proportion to the number of acres of swamp land therein, and shall be used and applied as the other drainage fund belonging to such counties is by this act, directed to be used and applied.

SECTION 4. The land belonging to the normal school fund shall be sold, and the money arising from such sales, and all other moneys belonging to that fund, shall be invested in the same manner and by the same officers as are now provided by law for the sale and investment of the school fund.

SECTION 5.\* The income of the normal school fund shall be applied to establishing, supporting and maintaining normal schools, under the direction and management of the board of normal school regents.

SECTION 6. The drainage fund, constituted as provided in section two of this act, shall be apportioned by the commissioners of school and university lands among the several counties in this state, in proportion to the number of acres of swamp and overflowed lands situated in such counties respectively; and from the amount so apportioned to each county, shall be deducted the amount heretofore paid to such county (if any), or to any town or towns in said county, or for the benefit of such county or town, or which has been granted to be used or expended in such county, (such grant not being revoked,) either in cash, as proceeds of swamp lands sold, or by transfer of swamp lands situated therein; and the balance so

\* Amended by chapter 29 of the general laws of 1870.

ascertained, shall represent the amount of drainage fund to which each of the several counties is entitled, and such amount or share shall be set apart to each of the counties respectively in the manner following:

1st. The commissioners shall set apart to each county, out of the swamp lands so belonging to the state and situated in such county, a number of acres of swamp lands equal to its share of the drainage fund.

2d. If in any county there is not a sufficient quantity of such lands now belonging to the state, to make the share apportioned thereto, then the deficiency on such share shall be made from the lands in such county which have been sold by the state on contracts on which there remains a balance unpaid, each dollar receivable from such contracts, to be taken as the equivalent of one dollar per acre, in making up such deficiency.

3d. If in any county the swamp lands now belonging to the state, together with the amount receivable on the contracts for the sale of swamp lands in such county, shall be insufficient to make the share apportioned thereto, then the deficiency on such apportioned share shall be made up in money as soon as practicable, from the first moneys received from the sale of swamp lands which is not otherwise appropriated. The selection of drainage lands to make the share from each county shall be made from the lists of swamp and overflowed lands in the office of the commissioners, and shall be so made that the drainage lands and the normal school lands shall be located alternately, as near as practicable, in proportion to the number of acres due to each fund, and so that the lands of both funds shall be proportionately distributed.

SECTION 7. All the swamp and overflowed lands selected for the counties, respectively, in which such lands are located, in the manner provided in this act, shall be held by the commissioners of school and university lands and their successors in office, in trust for the counties respectively, in which such lands are situated. The lands so held by the commissioners and their successors in office, shall be sold and conveyed by said commissioners exclusively for cash, in the same manner as now provided by law for the sale of swamp and overflowed lands.

SECTION 8. The commissioners of school and university lands shall, as soon as they have completed the division of the swamp and overflowed lands in the manner provided in this act, make out or cause to be made out, a full description of the drainage lands in each county wherein any such lands are situated, and transmit the same to the clerk of the board of supervisors of such county, who shall make out and transmit to the town clerk of each town, a list of such lands lying in such town, and such town clerk shall keep in his office such description of unsold swamp and overflowed lands in his town, for the inspection of the public.

SECTION 9. The commissioners of school and university lands shall, on the first Monday in June of each and every year, make out



a statement of all swamp and overflowed lands sold by them in trust for the counties respectively, setting forth the description of all the lands sold in each county, the price of each tract and the total amount received by them for all such land sold in such county, and transmit a copy of such statement to the clerk of the board of supervisors of the proper county, who shall make and transmit to the clerk of each town a copy of that portion of such list which relates to lands lying in such town. They shall at the same time, report to the clerk of the board of supervisors of the proper county, the amount of other moneys received by them which belongs to the drainage fund of such county, specifying in such report the sources from which such moneys are received, so as to enable such clerk to apportion the same to the several towns of his county, according to the provisions of this act.

SECTION 10. All money received by the commissioners of school and university lands from the sale of swamp and overflowed lands belonging to the respective counties wherein such lands so sold are situated, and all other moneys received by them belonging to the drainage fund of the respective counties, shall on the first Monday of June in each and every year, or as soon thereafter as the accounts can be made up, be paid over to the county treasurers of the respective counties, except so much as may be required to pay the expenses incurred by said commissioners in discharging their duties under this act, in relation to such drainage fund.

SECTION 11. On receiving the statement and report as provided in section nine of this act, the clerk of the board of supervisors shall apportion the drainage moneys to the several towns of his county, as follows :

1st. He shall apportion to each town all the moneys, both principal and interest, which have been received during the then previous year, on account of lands situate in such town.

2. All other drainage moneys he shall apportion among the several towns according to the number of acres of swamp lands situated in each. He shall transmit to the county treasurer a statement of the amount so apportioned to the several towns, who shall file the same in his office.

SECTION 12. All drainage fund income now remaining unexpended in the several counties, may be apportioned by the board of supervisors of such counties to the several towns, in such shares as they shall deem equitable and just.

SECTION 13. Each county treasurer before receiving the moneys directed to be paid to him in the next preceding sections of this act or any part thereof, shall execute to the chairman of the county board of supervisors of such county, a bond with two or more sureties, to be approved by the said chairman, by indorsement over his official signature on said bond, in a penal sum not less than double the amount of such money as shall come into his hands, for disbursement to the respective towns in his county, by reason of this act, conditioned for the faithful disbursement of all such moneys, in



such manner as shall be prescribed in this act, which bond he shall deliver to the clerk of the county board of supervisors of said county, to be filed in his office.

SECTION 14. It shall be the duty of the county treasurers respectively, immediately upon the receipt of the drainage moneys belonging to their respective counties, to give notice in writing to the treasurer of each town in such county, of the amount of money received by such county treasurer apportioned to such town. Each town treasurer before receiving the drainage moneys or any part thereof, belonging to the town of which he is treasurer, shall execute to the chairman of the town board of supervisors of such town a bond, with two or more sureties, to be approved by said chairman, by indorsement over his official signature on said bond, in a penal sum not less than double the amount of such moneys as shall come into his hands by reason of this act, conditioned for the faithful application and disbursement of all such moneys in such manner as shall be prescribed by this act, which said bond he shall deliver to the town clerk of said town to be filed in his office.

SECTION 15. The town clerk of said town on the receipt of such bond of the town treasurer, shall file the same and safely keep it in his office, and shall give to the said town treasurer a receipt, stating that he has filed the bond required by the preceding section of this act, which receipt the said town treasurer shall deliver to the county treasurer of his county, who shall, on the delivery thereof, pay over to said town treasurer the amount of such moneys belonging to his said town, and also the moneys, if any, apportioned to said town from the drainage income fund, as hereinbefore provided.

SECTION 16. The town treasurer shall receive and safely keep in his possession all such moneys, and shall pay out the same only upon the order of said town board of supervisors, duly signed by the chairman and countersigned by the town clerk, and the said town treasurer shall receive as compensation for the performance of the duties devolving upon him under this act, the sum of two per cent. upon all such moneys as shall pass through his hands by reason of this act.

SECTION 17. The said moneys when so paid into the town treasury as provided in this act, shall constitute and be denominated the drainage fund of said town, and shall be under the control of the town board of supervisors of such town, and shall be expended under their direction in draining and reclaiming the swamp and overflowed lands in their town, and in constructing roads and building bridges over and through such lands in said town, when they shall deem such roads and bridges necessary; and in case any portion of said fund shall not be needed for the purposes aforesaid, such portion may be applied to the support of common schools under the direction of the board of supervisors; and such moneys shall not be expended for other purposes. The members of said town board of supervisors shall be entitled to the sum of one dollar and fifty

cents per day for each and every day actually employed in the performance of the duties enjoined upon them by this act, to be paid out of the drainage fund of such town.

SECTION 18. All laws that may be in force for the protection of school and university or other state lands, or punishing trespassers thereon or injuries thereto, are hereby extended and made applicable to the protection of swamp and overflowed lands mentioned or contemplated in this act, whether such lands belong to the normal school fund, or are held by the commissioners of school and university lands, in trust for the counties respectively, wherein such lands are situated. And any person may enter complaint, and it shall be the duty of any town officer to enter complaint before a justice of the peace, against any person or persons trespassing upon any swamp and overflowed lands or other state lands, in the town wherein the complainant resides, whether such lands belong to the state, or are held in trust for the county as provided by this act.

SECTION 19. The commissioners of school and university lands are hereby authorized and required, in the manner now provided by law, to graduate and reduce the price per acre for which the swamp and overflowed lands may be sold, whether such lands belong to the normal school fund, or are held in trust by said commissioners for the counties, as contemplated and authorized in this act: *provided*, none shall be sold for a less price than seventy-five cents per acre.

SECTION 20. The town board of supervisors of any town wherein any swamp and overflowed lands are situated, may lease for the purpose of cutting grass or picking cranberries therefrom for the term of one year, any such lands upon which marsh hay may be cut or cranberries may be picked, for such price per acre as they may determine and agree upon. All moneys received by any town board of supervisors on any such leases shall be added to the drainage fund of their town. It shall not be lawful to cut any timber from lands leased as provided in this section.

SECTION 21. The terms, "swamp lands," and "swamp and overflowed lands," used in this act shall be construed to mean all the lands which may have been transferred to the state in pursuance of the act of congress, entitled "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September 28, 1850.

SECTION 22. The commissioners of school and university lands, in lieu of all compensation for services rendered necessary by this act, shall be entitled each to receive fifty cents on every certificate, and fifty cents on every patent hereafter issued by them; and no revenue stamp need be affixed to such patents or certificates, anything in chapter 159 of the general laws of 1863 to the contrary notwithstanding.

SECTION 23. The division and partition of the lands and funds provided for in this act shall be made and be in force from and after the first day of June next, and in all other respects this act shall be in force from and after its passage and publication. And it shall

be the duty of the commissioners of school and university lands to cause a sufficient number of copies of this act to be published from time to time, to furnish town clerks and the clerks of the boards of supervisors of the towns and counties, respectively, wherein any such swamp and overflowed lands are situated, with printed copies of this act; and they shall forward by mail or otherwise, printed copies of this act to all such town clerks and clerks of boards of supervisors, respectively, as soon as possible after the passage and publication of this act.

SECTION 24.\* For the purpose of more fully carrying out the provisions of this chapter, there shall be a board of nine regents, to be called the "board of regents of normal schools." They shall be appointed by the governor, by and with the approval of the senate. The governor and superintendent of public instruction shall be *ex-officio* members of said board of regents. The governor shall have power to fill all vacancies which may occur by death, resignation or otherwise, until the next meeting of the legislature, or while the legislature is not in session, but the appointments thus made shall be confirmed by the senate during the next succeeding session of the legislature. The term of office of all members of the board of regents hereafter to be appointed (except when such appointment is for an unexpired term), shall commence on the first day of February, and shall continue for three years, and until others are appointed and confirmed as required by law. The board of regents shall be divided into three classes, so that the term of office of one class shall expire each year. As vacancies occur hereafter, appointments shall be made so that not more than two members of the board shall reside in any one congressional district. The officers of the board shall be a president, vice-president and secretary; they shall severally hold their offices for the term of one year, and, until their successors are elected, and shall perform the duties incident to their several offices. The board of regents shall hold an annual meeting at the capital of the state, on the second Wednesday of July, in each year, or at such time as may hereafter be designated by said board.

SECTION 25. A majority of the board of regents shall constitute a quorum for the transaction of business but a less number may adjourn from time to time. Special meetings of the board of regents may be called by the governor or president of said board, on a petition signed for that purpose by any three members of the board. At all special meetings of the board, two-thirds of all the regents shall be necessary to constitute a quorum. Any regent may be removed from office for cause, by a vote of two-thirds of the board.

SECTION 26. The board of regents and their successors in office, are hereby constituted a body corporate, with the name and style of "the board of regents of normal schools of the state of Wisconsin;" and under that name and style shall have perpetual succession,

\* Amended by chapter 29 of the general laws of 1870.



with the right to purchase, have, hold, control, possess and enjoy to them and their successors in office, in trust for the state of Wisconsin, for educational purposes solely, any lands, tenements, hereditaments, goods, chattels and effects of whatsoever nature or description the same may be, which may be necessary and required for the legitimate purposes, objects and uses of the state normal schools authorized by this act, and none other, with full power to sell or dispose of such personal property, or any part thereof, when in their judgment it shall be for the interest of the state; to make all such contracts and agreements as shall be necessary to carry into effect the purposes of this act; to sue and be sued, plead and be impleaded in all courts of this state; to have and use a common seal, and the same to change, alter or renew at pleasure; to make such by-laws and regulations as they may deem proper for the well ordering and government of said corporation, and the transaction of its business: *provided*, that said board of regents shall not have power to sell, mortgage or dispose of, in any way, any real estate so held by them as aforesaid, without the express authority of the legislature of this state, nor have power to borrow money; nor shall the indebtedness contracted or liabilities incurred by said board of regents, ever at any time exceed in the aggregate the amount of money which under the provisions of law shall then be at their disposal, in the hands of the state treasurer; nor shall the said board of regents ever reduce the amount at their disposal, in the hands of the state treasurer, below the aggregate amount of their indebtedness or liability, except in payment of such indebtedness or liability; *and provided, further*, that the proceeds derived from the sale of any real or personal estate by said board of regents, shall be paid by them into the treasury, and shall become a part of the income of the normal school fund.

SECTION 27. The said board of regents of normal schools shall have power and authority to demand and receive the sum or sums of money donated and subscribed by any persons, or any town, incorporated village, city or county of this state, to aid in the erection of the necessary buildings for normal schools, in such manner as said board may prescribe, and apply the same to the erection and completion of the required buildings, the purchase of the necessary books, apparatus, furniture and fixtures, and for the various other incidental expenses to be incurred by said board in pursuance of the provisions of this act; and if any surplus shall remain, to apply the same to the expenses of conducting said normal schools, and any deficit which may arise in the erection and completion of said buildings and purchases aforesaid, shall be paid out of the income of the normal school fund, not to exceed the sum of fifteen thousand dollars for the completion of the buildings of any one normal school, and for furniture and fixtures pertaining to the same. Such money shall be paid by the state treasurer from time to time, on the warrant of the secretary of state, to be drawn in pursuance of the certificate of the secretary of the board, and countersigned



by the president, and such other evidence as the secretary of state shall require; and no such certificate shall be issued until the sum or sums donated and subscribed by any person or town, incorporated village, city or county, to aid in the erection of a normal school building, shall have been paid in full into the state treasury nor until work shall be done or services rendered, or buildings erected, or fixtures or furniture purchased for a normal school, under the direction of the board of regents of normal schools, entitling the applicant to such certificate, according to a contract or agreement with said board for that purpose. No member of the board of normal regents shall receive any pay for traveling or attendance at any meeting of the board, but for any specific service rendered under the direction of the board, other than attending the meetings thereof, such compensation may be allowed any member as the board shall deem just and reasonable, and such compensation, and all moneys actually and necessarily expended by any member in traveling, attending meetings or performing any other duty or service directed to be performed, shall be paid or refunded to him, on duly authenticated accounts presented to and audited by the board, and the amount thus audited shall be drawn from the state treasury only on the warrant of the secretary of state, in pursuance of the certificate of the board, signed by the president and secretary thereof.

SECTION 28. State normal schools shall be established and continued at such places as the board of regents of normal schools may designate, upon sites selected by said board, the exclusive purpose of which shall be the instruction and training of persons, both male and female, in the theory and art of teaching, and in all the various branches that pertain to a good common school education; also, to give instruction in agriculture, chemistry, in the arts of husbandry, the mechanic arts, the fundamental laws of the United States and this state, and in what regards the rights and duties of citizens.

SECTION 29. The said normal schools shall be under the direction and control of the "board of regents of normal schools," and shall be governed and supported as herein provided. Said board shall proceed to erect suitable buildings upon the sites selected by them, as soon as the title thereto is vested in them in fee, in trust as aforesaid, and the sums of money or United States bonds, or Wisconsin state bonds as security, donated and subscribed for the erection of the buildings, are paid into the state treasury, subject to be drawn only on the warrant of the secretary of state, as provided in section twenty-seven of this act; and they may procure suitable plans and specifications for buildings, and may employ persons to superintend the erection of said buildings.

SECTION 30. Said "board of regents of normal schools" shall have power to appoint a principal and assistant and such other teachers and officers as may be required for each of said state normal schools, and to fix the salary of each person so employed and to prescribe their several duties. They shall also have power

to remove either the principal, assistant or teachers, or any person employed by them, and to appoint others in their stead. They shall prescribe the various books to be used in the said state normal schools, and shall make all rules, regulations and by-laws necessary for the good government and management of the same; and no member of the said "board of regents of normal schools," shall, during his continuance in office as member of said board, act as the agent of any publisher or publishers of school books or school library books, or be or become interested in the publication or sale of any such books, as agent or otherwise, on pain of expulsion by a majority vote of the board. The salaries of the teachers and officers appointed by the board shall be paid at such times as the board shall determine, in the same manner that the expenses of members are paid.

SECTION 31. Said board shall also establish a model school or school for practice, in connection with each state normal school, and shall make all the regulations necessary to govern and support the same; and they may in their discretion, admit pupils free of charge for tuition.

SECTION 32. As soon as any state normal school is prepared to receive pupils, the superintendent of public instruction shall give notice of the fact to each clerk of the board of supervisors for each county of the state, and the said board of regents of normal schools shall cause notice to be published in at least one newspaper in each congressional district.

SECTION 33. The "board of regents of normal schools" shall make such rules and regulations for the admission of students to each normal school as they may deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as may be prescribed by the board; and if it shall appear that the applicant is not a person of good moral character, or that he will not make an apt or good teacher, such application shall be rejected. The said board may, at their discretion, require any applicant for admission to any state normal school, other than such as shall, prior to admission, sign and file with said board a declaration of intention to follow the business of teaching common schools in this state, to pay or secure to be paid, such fees for tuition as to said board may seem proper and reasonable.

SECTION 34. After any state normal school shall have commenced its first term and at least once in each year thereafter, it shall be visited by three suitable persons, not members of the board, but to be appointed by the superintendent of public instruction, who shall examine thoroughly into the condition, organization and management of the school, and shall report to the superintendent of public instruction their views in regard to its success and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually, and their report shall bear date of the 31st day of August, and cover the year preceding such date. The secretary of state shall audit the accounts of the visitors; for

expenses actually incurred in examining the normal schools on the certificate of the superintendent of public instruction, of their appointment to that service, and the sums allowed shall be paid by the state treasurer out of the normal school fund income.

SECTION 35. The president of the board of regents of normal schools shall also make to the superintendent of public instruction, an annual report, bearing date of the 31st day of August, which shall contain a full and detailed account of the doings of said board, and of all their expenditures and of all moneys received, and the prospect, progress and condition of said state normal schools, and such report, together with the reports of the different boards of visitors, shall be transmitted to the legislature by the superintendent of public instruction, as a part of his annual report, and in addition to what is now required by law.

SECTION 36. The state treasurer shall, by virtue of his office, be the treasurer of the board of regents of normal schools, but the said board shall have power to appoint suitable persons to receive and pay to the state treasurer any tuition-fees or other moneys that may be due from any student or other person.

SECTION 37. Lectures on chemistry, anatomy, physiology, astronomy, the mechanic arts, agriculture and on any other science or branch of literature that the said board may direct, may be delivered to those attending said schools, in such manner and on such terms and conditions as the said board may prescribe.

SECTION 38. The said board shall have power to grant diplomas in testimony of scholarship and ability to teach, but no such diploma shall be granted to any person who has not passed a thorough and satisfactory examination in the course of study prescribed by the board of regents of normal schools. Certificates of attendance upon normal schools may be given on conditions to be fixed by said board. After any person has graduated at any state normal school, and has taught a public school in the state one year, the superintendent of public instruction shall have authority to countersign the diploma of such teacher, after such examination, as to moral character, learning and ability to teach, as to the said superintendent may seem proper and reasonable.

SECTION 39. Any person holding a diploma granted by the said board of regents of normal schools, certifying that the person holding the same is a graduate of a state normal school, and that he is qualified to teach a common school, shall, after the same has been countersigned by the superintendent of public instruction, as provided in section thirty-eight of this act, be deemed qualified, and such diploma shall be a certificate of qualification to teach in any common school of this state, and as such, shall have the full force and effect of a first grade certificate until annulled by the superintendent of public instruction.

SECTION 40. The board of regents of normal schools are authorized to use so much of the income of the normal school fund, not exceeding five thousand dollars per annum, as in their judgment may



be necessary to defray the expenses of conducting teachers' institutes in different parts of the state; and such amount as the board may from time to time expend for such object is hereby appropriated from said income, and shall be drawn from the state treasury in the same manner and under the same restrictions as money for the support of state normal schools.

SECTION 41. It shall be the duty of said board in the discharge of the duties imposed by this act, in providing for holding teachers' institutes, to give the preference to those sections of the state that receive least direct benefit from the state normal schools.

SECTION 42. The said board, in order to carry out the object of this act, shall have power to make such rules and regulations as they may deem proper, and may employ an agent who shall organize and conduct teachers' institutes, deliver educational addressss, and perform such other work as the board may require him to do in connection with the state normal schools, and who shall, if the said board choose, act as their secretary. The said board may also employ other persons to aid in conducting teachers' institutes, but no person employed by said board in any position or capacity connected with normal schools or teachers' institutes, shall act as the agent of any author, bookseller or publisher.

SECTION 43. The district board of any school-district are hereby authorized in their discretion to give to the teachers employed by them the whole or any part of the time spent by such teacher or teachers in attending any regular session or sessions of an institute in the county embracing the school district or any part thereof, without deducting anything from his or their wages for the time so spent: *provided*, such teacher or teachers shall furnish to the clerk of the district a certificate of regular attendance at such institute, signed by the person conducting the same; and whenever the report of the district clerk shows that the district school has been supported for the full term of five months required by law, including the time spent by the teacher or teachers in their employ in attendance at such institute, and that the district board have given to the teacher or teachers the time of such absence, and have not deducted from his or their wages for the time so spent, such district shall be included in the annual apportionment of the income of the school fund: *provided always*, that such school-district shall have complied with the laws in all other respects, and is entitled to share in such apportionment.

SECTION 44. It shall be the duty of the said board to co-operate with the superintendent of public instruction, so far as practicable, in holding and conducting teachers' institutes, as provided for by this act.

SECTION 45. All other acts and amendments thereto, shall be so construed as to enable the said board to carry out the provisions of this act, and all acts or parts of acts conflicting with this act are hereby repealed.



*Chapter 109—General Laws of 1870.***FURNISHING THE NORMAL SCHOOL BUILDING AT OSHKOSH.**

SECTION 1. In addition to the money now provided and limited by law, there may be used by the board of regents of normal schools out of the income of the normal school fund, for the purpose of completing and properly furnishing the normal school building at Oshkosh, a sum not to exceed ten thousand dollars.

*Chapter 49—General Laws of 1870.***TO PROVIDE FOR A COURSE OF INSTRUCTION IN THE STATE NORMAL SCHOOLS FOR CERTAIN PUPILS OF THE SOLDIERS' ORPHANS' HOME.**

SECTION 1. The board of trustees of the Soldiers' Orphans' Home are hereby authorized and empowered to select from the most proficient and best qualified pupils of said home annually a number, not exceeding six, and to place such pupils in one of the state normal schools, and maintain them there at the expense of the state, while such pupils are pursuing a course of instruction for the purpose of qualifying them as teachers of common schools: *provided*, that the expense of so maintaining them shall not exceed two hundred dollars in full for board, clothing and books, per annum for each pupil, and that no one pupil shall be so maintained for more than two years.

SECTION 2. Those to be placed in the normal schools for such course of instruction shall be selected from the pupils of the home in the following manner, to wit: At the request of the board of trustees of said home, the state superintendent of public instruction shall annually examine all pupils in the home who are at the time of such examination fifteen years of age or more, in regard to their scholarship and other qualifications necessary for successful teachers of common schools, and shall designate by name all those so examined who, in his opinion, are qualified to enter upon the course of instruction herein provided for, and who will, in his opinion, by such course of instruction, become successful teachers of common schools; and from the number so designated by such superintendent, the said board of trustees shall select those to be placed in normal schools; and in making such selection from year to year, they shall distribute the benefits of this act equally, as far as practicable, among the representatives in said home, of the several congressional districts of the state.

SECTION 3. The board of trustees of said Home shall include in their annual report for each year a detailed statement of their doings under authority of this act, and an itemized account of all expenses incurred, and shall also deposit vouchers with the state treasurer for all moneys expended in carrying out the provisions of this act.

SECTION 4. There is hereby annually appropriated to the board of trustees of the soldiers' orphans' home of Wisconsin, from any money in the state treasury belonging to the general fund, not otherwise appropriated, a sum sufficient to carry into effect the provisions of this act.

# UNIVERSITY OF WISCONSIN.

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## *Chapter 21—Revised Statutes.*

SECTION 1. There shall be established in this state, at or near the village of Madison, in the county Dane, an institution of learning under the name and style of "the university of Wisconsin."

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SECTION 13. The regents are authorized to expend such portion of the income of the university fund as they may deem expedient, for the erection of suitable buildings, and the purchase of apparatus, a library, and a cabinet of natural history.

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SECTION 16. The regents, if they shall deem it expedient, may receive into connection with the university any college in this state, upon application of its board of trustees, and such college so received shall become a branch of the university and be subject to the visitation of the regents.

SECTION 17. No religious tenets or opinions shall be required to entitle any person to be admitted as a student in said university, and no such tenets or opinions shall be required as a qualification for any person, tutor, or teacher of said university, and no student of said university shall be required to attend religious worship in any particular denomination.

## *Chapter 114—General Laws of 1866.*

### TO REORGANIZE AND ENLARGE THE UNIVERSITY OF WISCONSIN.

SECTION 1.\* The object of the university of Wisconsin shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with the scientific, industrial and professional pursuits; and to this end it shall consist of the following colleges or departments, to-wit.: 1st. The college or department of arts. 2d. The college or department of letters. 3d. Such professional and other colleges or departments as from time to time may be added thereto or connected therewith.

SECTION 2. The college of arts shall embrace courses of instruction in the mathematical, physical and natural sciences, with their

\*As amended by chapter 87, general laws of 1869.

applications to the industrial arts, such as agriculture, mechanics and engineering, mining and metallurgy, manufactures, architecture and commerce; in such branches included in the college of letters, as shall be necessary to a proper fitness of the pupils in the scientific and practical courses for their chosen pursuits, and in military tactics; and as soon as the income of the university will allow, in such order as the wants of the public shall seem to require, the said courses in the sciences and their application to the practical arts, shall be expanded into distinct colleges of the university, each with its own faculty and appropriate title.

SECTION 3. The college of letters shall be co-existent with the college of arts, and shall embrace a liberal course of instruction in language, literature and philosophy, together with such courses or parts of courses in the college of arts, as the authorities of the university shall prescribe.

SECTION 4.\* The university shall be open to female as well as male students, under such regulations and restrictions as the board of regents may deem proper, and all able-bodied male students of the university, in whatever college, shall receive instruction and discipline in military tactics, the requisite arms for which shall be furnished by the state.

SECTION 5.† The government of the university shall vest in a board of regents to consist of thirteen (13) members, two (2) to be appointed by the governor from each congressional district of the state, as the districts are now constituted; and the state superintendent of public instruction, who shall be an *ex-officio* member of the board: *provided*, that the present members appointed from the state at large shall continue in office until the expiration of their respective terms.

SECTION 6. The said board of regents shall succeed to the custody of the books, records, buildings and all other property of the university; and the present board of regents shall be dissolved immediately upon the organization of the board herein provided for: *provided*, that all contracts legally made, and at that time binding upon the board thus dissolved, shall be assumed and discharged by their successors.

SECTION 7. The regents and their successors in office shall constitute a body corporate, with the name and style of "the Regents of the University of Wisconsin," with the rights, as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal and altering the same at pleasure. They shall have power and it shall be their duty, to enact laws for the government of the university, in all its branches; to elect a president of the university, and the requisite number of professors, instructors, officers and employes, and to fix their salaries, also the term of office of each, and to determine the moral and educational qualifications of applicants for admission to the various courses of

\* See chapter 117, general laws of 1867.

† Amended by chapter 80, general laws 1870.



instruction : *provided*, that no instruction, either sectarian in religion, or partisan in politics, shall ever be allowed in any department of the university, and no sectarian or partisan test shall ever be allowed or exercised in the appointment of regents or in the election of professors, teachers or other officers of the university, or in the admission of students thereto, or for any purpose whatever.

SECTION 8. For the time being, an admission fee and rates of tuition, such as the board of regents shall deem expedient, may be required of each pupil, except as hereinafter provided ; and as soon as the income of the university will permit, admission and tuition shall be free to all residents of the state ; and it shall be the duty of the regents, according to population, to so apportion the representation of students, that all portions of the state shall enjoy equal privileges therein.

SECTION 9. One suitably qualified pupil from each assembly district, to be nominated by the representative of such district in the legislature of the state, who, other things being equal, shall prefer an orphan of a soldier who has died in defense of his country, shall be at once and always entitled to free tuition in all the colleges of the university.

SECTION 10.\* The president of the university shall be president of the several faculties, and the executive head of the institution, in all its departments. As such he shall have authority, subject to the board of regents, to give general direction to the practical affairs and scientific investigations of the several colleges, and in the recess of the board of regents, to remove any employe or subordinate officer, not a member of the faculty, and to supply for the time any vacancies thus created ; and so long as the interests of the institution require it, he shall be charged with the duties of one of the professorships. The secretary of the board of regents shall keep a faithful record of all the transactions of the board of regents, and perform such duties as they shall impose. The state treasurer shall be the treasurer of the board of regents, and perform all the duties of such office.

SECTION 11. The immediate government of the several colleges shall be intrusted to their respective faculties ; but the regents shall have power to regulate the courses of instruction, and prescribe the authorities to be used in the several courses, and also to confer such degrees and grant such diplomas as are usual in universities, or as they shall deem appropriate.

SECTION 12. At the close of each fiscal year the regents through their president, shall make a report in detail to the governor, exhibiting the progress, condition and wants of each of the colleges embraced in the university, the course of study in each, the number of professors and students, the amount of receipts and disbursements, together with the nature, cost and results of all important investigations and experiments, and such other information as they may deem important ; one copy of which shall be transmitted, free,

\* Amended by chapter 13, general laws of 1869.

by the secretary of state to all colleges endowed under the provisions of the congressional act of July 2d, 1862, hereinbefore [hereinafter] referred to, and also one copy to the secretary of the interior, as provided in this act.

SECTION 13.\* For the support and endowment of the university there are hereby appropriated: first, the income of the university fund; second, the income of a fund derived from the sales of the two hundred and forty thousand acres of land granted by congress to the state of Wisconsin by virtue of an act approved July 2, 1862, entitled "an act donating land to the several states and territories, which provide colleges for the benefit of agriculture and the mechanic arts," which fund shall be designated "the agricultural college fund;" third, all such contributions to the endowment fund as may be derived from public or private bounty. The entire income of all said funds shall be placed at the disposal of the board of regents, by transfer to the treasurer of said board, thenceforth to be distinct and independent of the accounts of the state, and for the support of the aforesaid colleges or departments of arts, of letters, and such other colleges and departments as shall be established in the university or connected therewith: *provided*, that all means derivable from either public or private bounty shall be exclusively devoted to the specific objects for which they shall have been designed by the grantor.

SECTION 14. Meetings of the board may be called in such manner as the regents shall determine, a majority of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. No member of the board shall receive compensation for his services as such member, but each member shall be entitled to reimbursement, on the audit of the board, for his traveling and other necessary expenses while employed on the business of the board.

SECTION 15. The first meeting of the regents, the appointment of which is herein provided for, shall be held in the university edifice, on the last Wednesday of June, 1866, at which time the regents when so convened, shall elect one of their number president of the board. The time for the annual election of president of the board of regents, as also the regular annual meeting, and such other meetings as may be required, shall be determined in the by-laws of the board. Immediately upon the organization of the board, it shall be their duty to make arrangements for securing, without expense to the state, or to the funds of the university, suitable lands, in the immediate vicinity of the university, not less than two hundred acres, including the university grounds, for an experimental farm; and as early as possible thereafter, to make such improvements thereon as will render it available for experimental and instructional purposes, in connection with the agricultural course in the college of arts.

\* Amended by chapter 80, general laws of 1870.

SECTION 16. To enable the board of regents to purchase lands in the vicinity of the university for an experimental farm, and to improve the same, the board of supervisors of Dane county are hereby authorized and empowered to issue the bonds of said county, bearing interest at the rate of seven per cent. per annum, interest payable annually, for the amount of forty thousand dollars, such bonds to be payable on or before the first day of January, A. D. 1886, at such place as may be determined by said board of supervisors. The bonds so issued shall be delivered to the board of regents of the university, who shall faithfully apply the same, or the proceeds thereof, together with all contributions made for this specific purpose, to the purchase and improvement of the lands for such experimental farm. But if the said county of Dane, by its proper officers, shall not make provision for the issue and delivery of said bonds as aforesaid within thirty days after the passage of this act, and if in such case the citizens of said county shall fail within thirty days after the expiration of said first mentioned period of thirty days, to furnish guarantees satisfactory to the secretary of state, that the said amount of forty thousand dollars shall be placed at the disposal of the regents of the university at the first meeting of the board, then this act shall be null and void.

SECTION 17. So much and such parts of chapter twenty-one of the revised statutes, and of any and all acts, as contravene the provisions of this act, are hereby repealed.

*Chapter 32—General Laws of 1865.*

PAYMENT OF MILEAGE TO THE REGENTS OF THE UNIVERSITY.

SECTION 1.\* The regents of the university of Wisconsin shall each receive the actual amount of his expenses in traveling to and attendance upon all meetings of the board, or incurred in the performance of any duty in pursuance of any direction of the board. Accounts for such expenses, duly authenticated, shall be audited by the board, and shall be paid on the order of said board, with the warrant thereon of the secretary of state; and no regent shall receive any pay, mileage or per diem, except as above prescribed.

SECTION 2. There is hereby appropriated out of any money in the state treasury belonging to the university fund income, not otherwise appropriated, a sufficient sum to pay the mileage to regents of the university, as provided by section one of this act.

SECTION 3. Certificates of the amount of mileage due each of said regents, in pursuance of the provisions of this act, shall be made, signed and attested by the president and secretary of the board of regents of said university, and upon presentation to him of such certificates, the secretary of state shall draw his warrant upon the state treasurer for the amount thus certified, who shall upon such warrant pay the amount out of any money in the state treasury belonging to the university fund income.

\*See chapter 107, general laws of 1866.

*Chapter 82—General laws of 1867.*

TO APPROPRIATE FOR A TERM OF YEARS, A CERTAIN SUM OF MONEY.

SECTION 1. There shall be levied and collected for the year 1867, and annually thereafter for the next ten years, a state tax of seven thousand, three hundred and three dollars and seventy six cents, and the amount so levied and collected is hereby appropriated to the university fund income, to be used as a part thereof.

SECTION 2. The secretary of state shall apportion said tax annually among the several counties of this state, as other state taxes are apportioned by law, and the same shall be levied, collected and paid into the treasury in the same manner as other state taxes.

*Chapter 54—General Laws 1870.*

TO BUILD AN ADDITIONAL UNIVERSITY BUILDING.

SECTION 1. To enable the regents of the University of Wisconsin to build an additional university edifice, to be located as near the present university buildings as the board of regents may deem expedient, there is hereby appropriated for such purpose, the sum of fifty thousand dollars, ten thousand thereof to be paid from the state treasury on the first day of May, 1870, and the remaining forty thousand dollars on the first day of May, 1871, and the state treasurer is hereby directed to set apart from the general fund in the treasury of the state at the time aforesaid, the said amounts, and to hold the same thereafter, as treasurer of the regents of the University.

SECTION 2. The regents of the University of Wisconsin are authorized to proceed to the erection of such additional edifice at such time and after such plan as they may deem expedient, and the treasurer of such board is authorized to pay out the moneys appropriated by section one of this bill, [act,] as the same may be required for such purpose, and upon such vouchers as the board of regents may by instruction direct: *provided*, this act shall be so construed as to limit the liability of the state on account of the erection of such additional university edifice to the said amount of fifty thousand dollars.



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APPENDIX.

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## SCHOOL-HOUSE PLANS.

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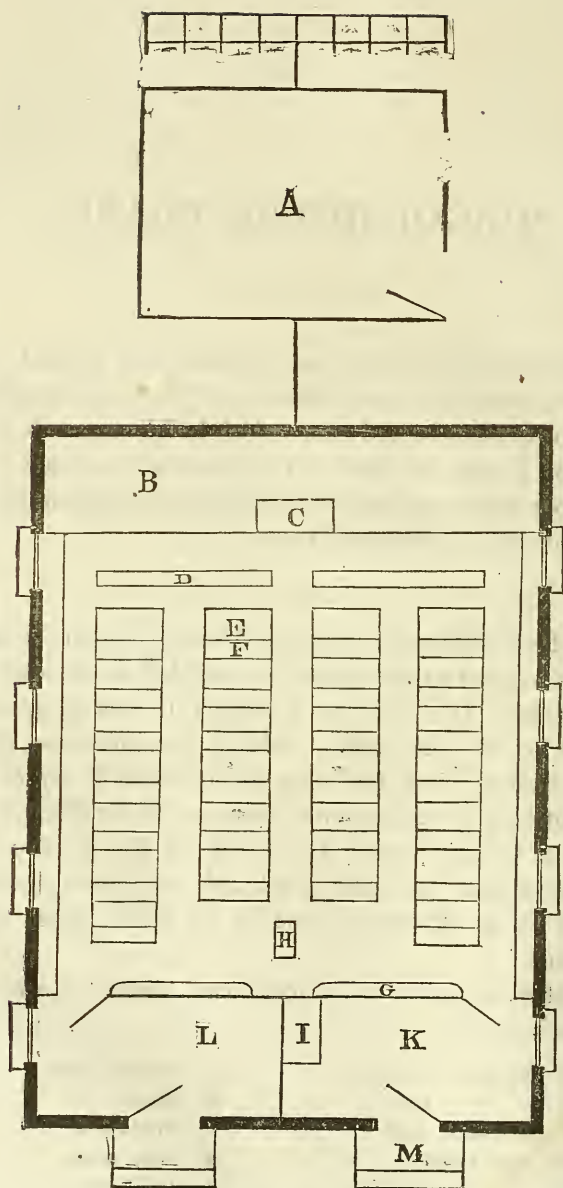
• The following plans have been prepared with special reference to the wants of school-districts, and present, it is believed, models for convenient and economical buildings, such as are required in a great majority of the towns of this state. The descriptions accompanying the plans are sufficiently minute to enable any one to understand them.

### No. 1.

This plan is designed to accommodate sixty pupils, which is as large a number as should ever be confided to the care of a single teacher. It is drawn on a scale of 10 feet to an inch, and is 26 by 36 feet inside. Adding the thickness of the walls, if built of wood, the house will be about 27 by 37 feet on the outside; if built of brick or stone, 29 by 39 feet. In the rear is a wood-house "A.," 12 by 16 feet in size, with privies in its rear. A high, tight board fence should extend from the center of the rear end of the school-house to the wood-house.

The different parts of the school-house, internally, are represented as follows :

- |                        |                    |
|------------------------|--------------------|
| B. Teacher's platform. | G. Visitors' seat. |
| C. " table.            | H. Stove.          |
| D. Recitation seat.    | I. Wood-box.       |
| E. Pupil's desk.       | K. Boys' entry.    |
| F. " seat.             | L. Girls' entry.   |
| M. Front steps.        |                    |



No. 1.



The school-room is divided into parts lengthwise as follows : teacher's platform 5 feet wide ; space between platform and desks, 4 feet ; seven desks and seats—each desk and seat occupying 30 inches of space—14 feet 6 inches ; space between rear desk and partition, 3 feet ; partition and entries, 6 feet 6 inches ; making in all 36 feet.

The width is divided as follows : outside aisles, each 3 feet ; inner aisles, each 2 feet ; four rows of seats and desks, each 3 1-2 feet long, making 27 feet.

In the outer aisles, against the walls are seats for visitors, one foot wide, which will be found very convenient when parents and others visit the school. The wood box, "I," is a permanent structure in a corner of the boys' entry, and connects with the school-room by a small door in the partition, or it may be made to project into the room one foot, the projecting part being covered with a hinged lid, as is also the box itself, within the entry. By arranging the wood box in this manner, space is saved in the school-room, and no noise or litter is made in bringing in the wood.

The height of the room should be twelve feet at the least—fourteen would be better.

The stove, "H," is placed in the center of the room, near the entry partition, and a pipe leads to a chimney in the end of the building, back of the teacher's platform. By this arrangement, children can warm themselves before going to their seats, without passing in front of any pupil already seated ; the cold air entering at the doors is warmed before it spreads through the room ; and all the heat engendered in the stove is saved.

There are four windows on each side of the house, six for lighting the school-room and two for the entries.

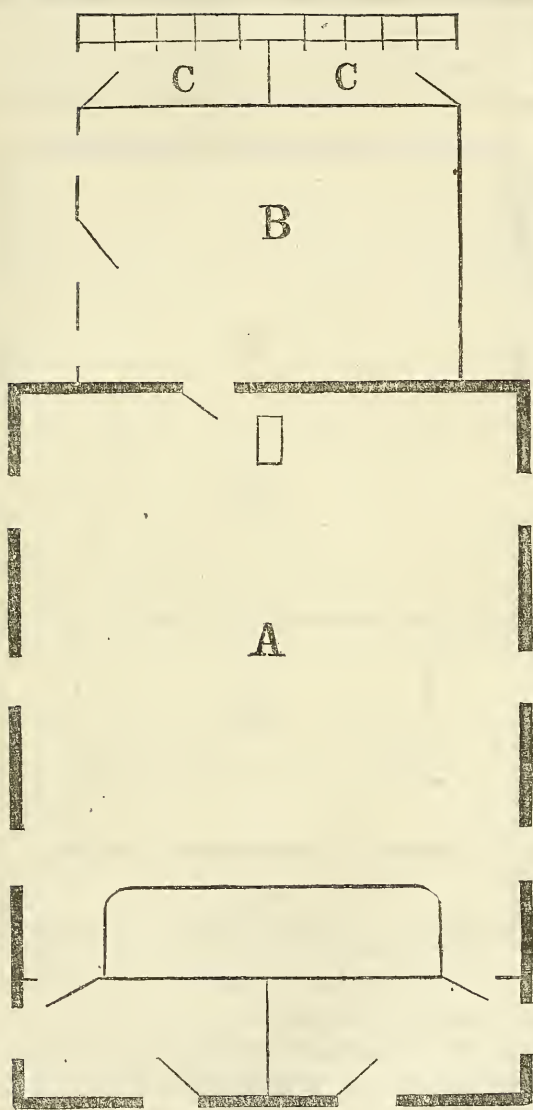
The rear end is a dead wall, and a permanent blackboard, four and a half feet wide, should be made in or on the wall from the rear window on one side to the same window on the other. The lower edge of the blackboard should not be more

than two feet six inches from the floor. The space between the windows should also be covered with blackboard, of the same width as that on the end wall. The space beneath the windows should be wainscoted with narrow stuff, three feet long, matched and beaded, and put on perpendicularly. A ventilating shaft or tube, fourteen inches wide by four inches thick, make of heavy tin, should be inserted in the end wall beside the chimney, with which it should connect by an arm at the upper end. It should extend from floor to ceiling, and there should be an opening into the tube from the school-room near each end, which should be covered with rolling blind slats. To let the heated air and lighter gases escape, open the upper aperture; to drive out cold air and the heavier gases, open the lower one.

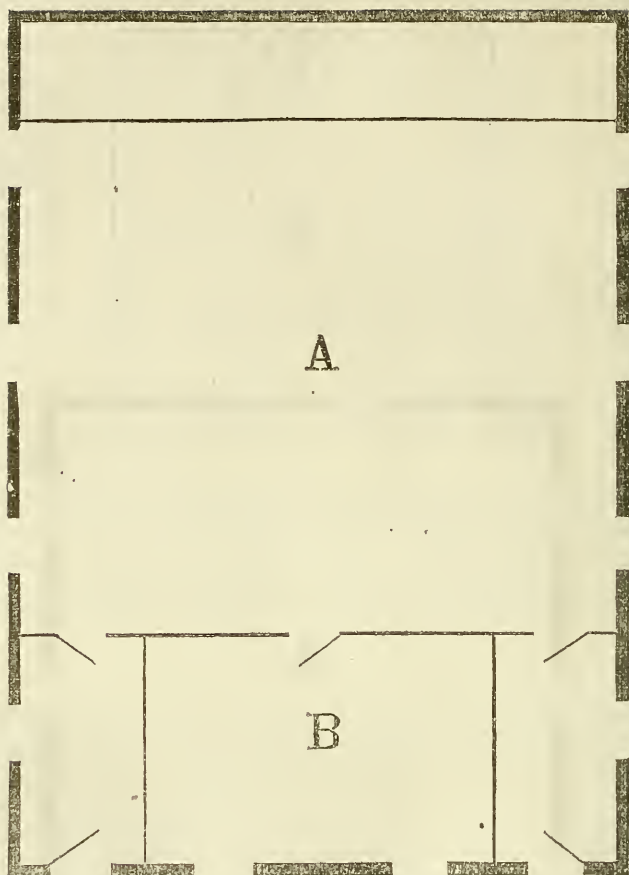
The teacher's platform should be elevated six or eight inches above the rest of the school-room floor. Many teachers prefer not to have a platform, as they can arrange classes for recitation and blackboard exercises better on an unbroken floor.

## No. 2.

This plan is of the same size as No. 1, and differs from it in two respects only: The teachers platform is in the front end of the school-room between the entrance doors; and the wood house adjoins the school-house in the rear, thus bringing the wood near the stove, which is placed at the end of the room opposite the teacher's platform, near a door opening into the school-room from the wood house. In all other respects the internal arrangements are the same as in plan No. 1.



No. 2.



No. 3.

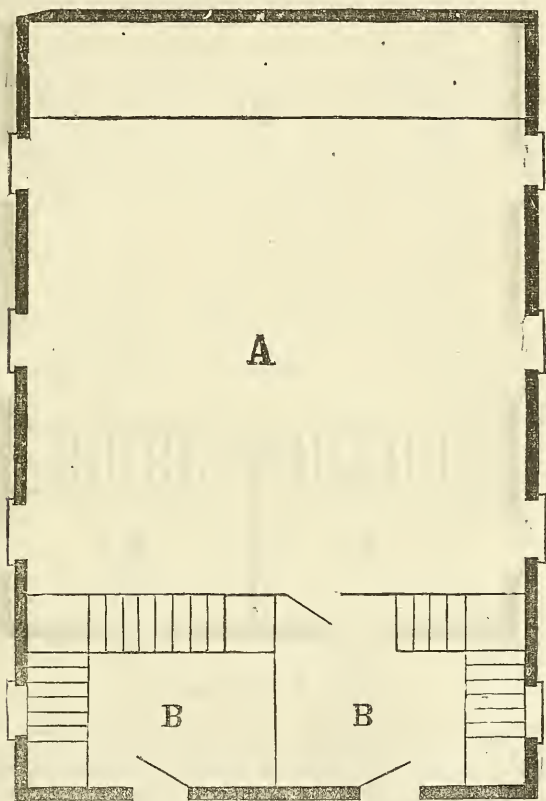
This house is intended for districts in which the number of children is so large as to require, for a part, if not all of the time, the services of two teachers.

The internal arrangements are the same as in No. 1, except that there are five rows of seats, eight in a row, thus accommodating eighty pupils. The main school-room "A" is 31 feet 6 inches, by 32 feet. The recitation room "B" is 11 feet 6 inches by 18 feet; and the entries each 6 feet by 11 feet 6



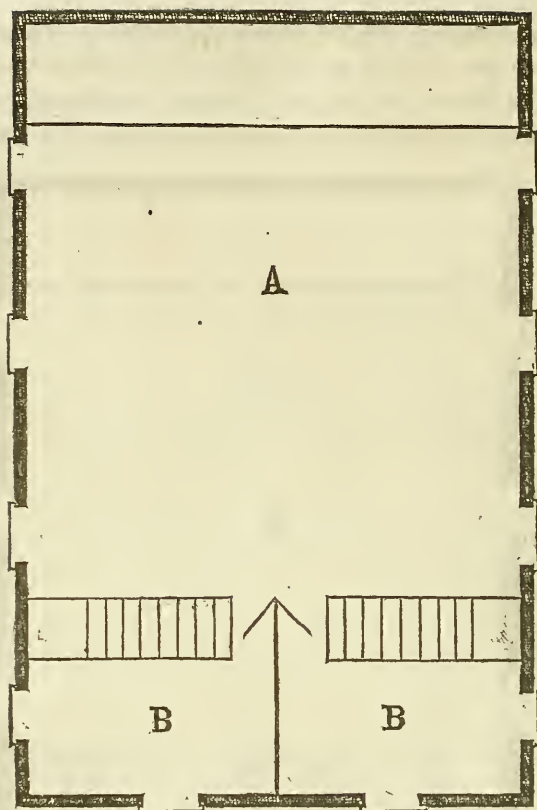
inches. The teacher's platform is 5 feet wide. The recitation room can also be used as a library and apparatus room.

With a house like this, and a proper classification of pupils, some of the advantages of a graded school may be secured.



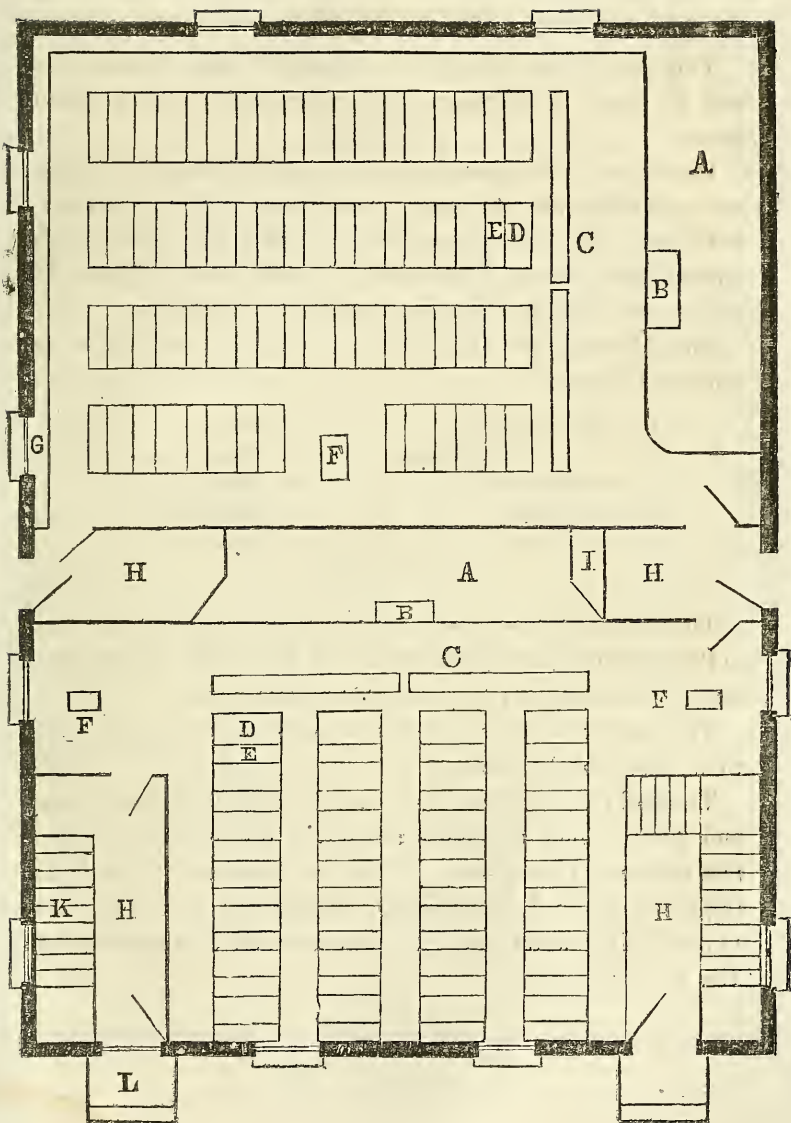
No. 4—FIGURE 1.

This is the ground plan for a two story building, capable of accommodating sixty pupils on each floor. There are two front doors, one for each sex, opening into entries or halls "B," in which are stairways leading to the second floor. The school room "A" is of the same size as No. 1, and is to be arranged in exactly the same manner.



NO. 4—FIGURE 2,

Is the second floor plan, having a school room "A" and two smaller rooms "B," one for the girls' cloak room, and the other for a recitation, library or apparatus room. The school room is of the same size and is to be seated, etc. like the one on the lower floor. With this building a school may be divided into two grades, and by using one of the upper rooms "B" as a recitation room, in which an assistant teacher can hear and conduct the recitations of the most advanced classes from the lower room, and of those least advanced in the upper one, three grades may be maintained.



No. 5—FIGURE 1.

## No. 5.—FIGURE 1.

This is a plan of a house for a school of three departments, and by using a recitation room, four grades may be maintained.

Figure one is the ground floor, 38 by 52 feet in size, inside; and is divided into two main school-rooms, with the necessary halls, etc. The front room will seat 64 pupils, and it is intended for a primary department; the rear room will seat 76, and is intended for an intermediate grade of scholars.

The different parts of the plan, in both rooms, are represented as follows:

A. Teacher's platform.	F. Stove.
B. " table or desk.	G. Visitors' seats.
C. Recitation seats.	H. Halls.
D. Pupils' desk.	I. Wood-box.
E. " seat.	K. Stairs.

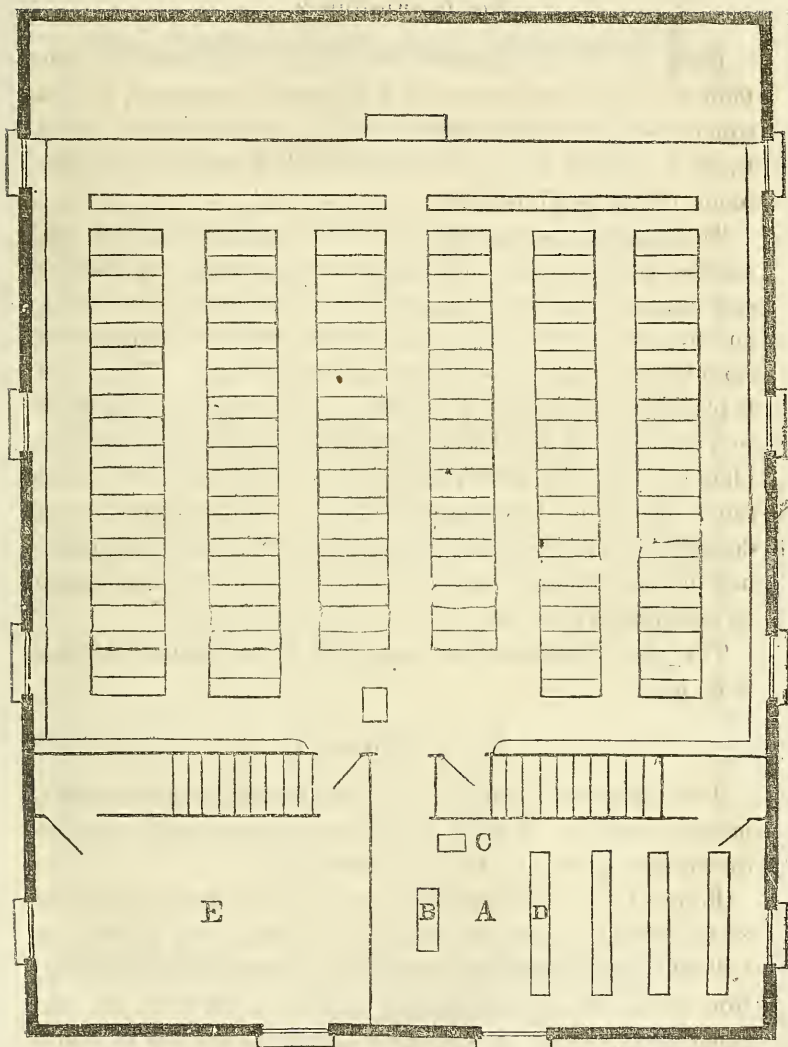
L. Front steps.

The seats and desks are 3 1-2 feet long. The outside aisles in the intermediate department are 3 feet wide—the others 2 feet. In the primary they are all two feet wide.

The teacher's-platform is 6 feet wide in the intermediate room, and 5 in the primary.

The halls leading from the front doors to the primary room, and from which the stairs ascend to the second floor, are 4 feet wide and 14 feet long. Those in the center of the building opening into the intermediate department are 5 by 10 feet in size. The wood-box, "I," is constructed as described in No. 1.





No. 5—FIGURE 2.

## No. 5—FIGURE 2.

Figure 2, No. 5, represents the 2d floor of the building, containing a large school-room for a grammar department, 38 feet square, and two smaller rooms: "A," a recitation room, 10 1-2 by 20 1-2 feet in size, and "E," a library, apparatus and cloak room, 10 1-2 by 17 1-2 feet.

The length of seats, width of aisles, teacher's platform, etc. are the same as in the intermediate department. A visitor's seat extends from the entrance doors at the head of the stairs, on each side of the room to the teacher's platform, thus seating more than fifty people without disturbing a pupil. The stove is placed near the head of the stairs, from which a pipe leads to a chimney in the rear of the room, back of the teacher's platform. All the stove pipes in the lower rooms lead to the same chimney. Ventilating shafts or flues, similar to those described in No. 1, should be placed by the side of the chimney in the upper and lower school-rooms. Blackboards should be constructed as in No. 1.

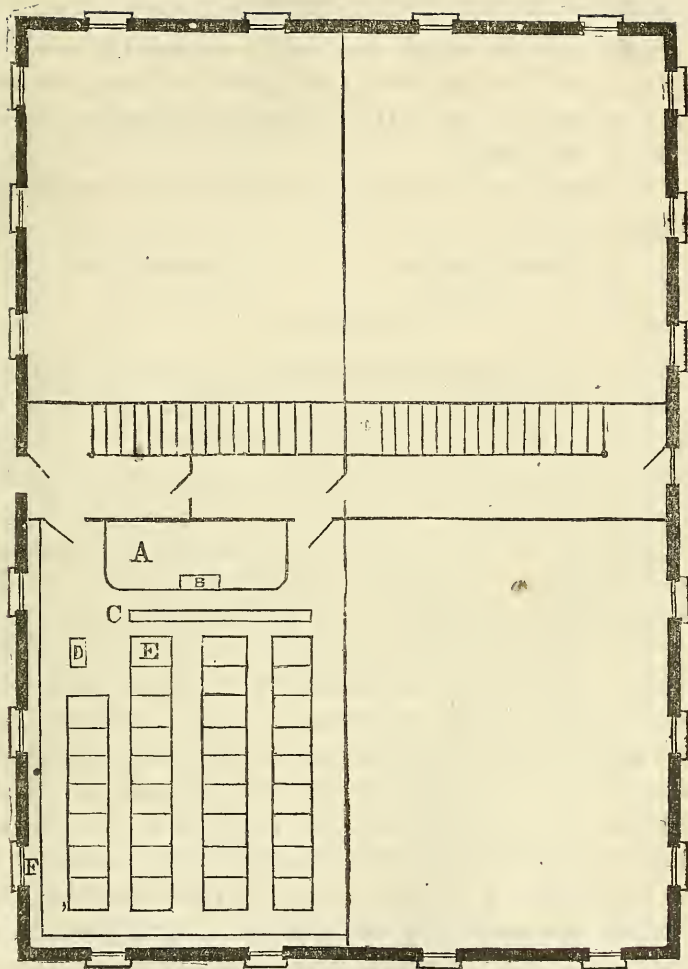
This plan, like those that precede it, is on a scale of 10 feet to an inch.

## No. 6—FIGURE 1.

This represents a building designed for six or seven departments, or grades. It is 54 by 76 feet inside—and the plans are drawn upon a scale of 16 feet to an inch.

Figure 1, is the ground floor, and contains four rooms, each 26 by 36 feet in size, and capable of seating 68 pupils. A hall 10 feet wide extends through the center of the building, from which the school-rooms are entered, as shown in the cut. Each room is seated in the same manner as the one in which the seats and desks are represented, and where

- |                                   |                    |
|-----------------------------------|--------------------|
| A. Stands for teacher's platform. | D. Stove.          |
| B. " " " table.                   | E. Seat and desk.  |
| C. Recitation seat.               | F. Visitor's seat. |



No. 6—FIGURE 1.

## No. 6—FIGURE 2.

Figure 2 is the second floor, which contains two rooms of the same size of those below, one larger school-room and two small rooms, "G" and "H," "G" being the teachers' closet, and "H" the library.

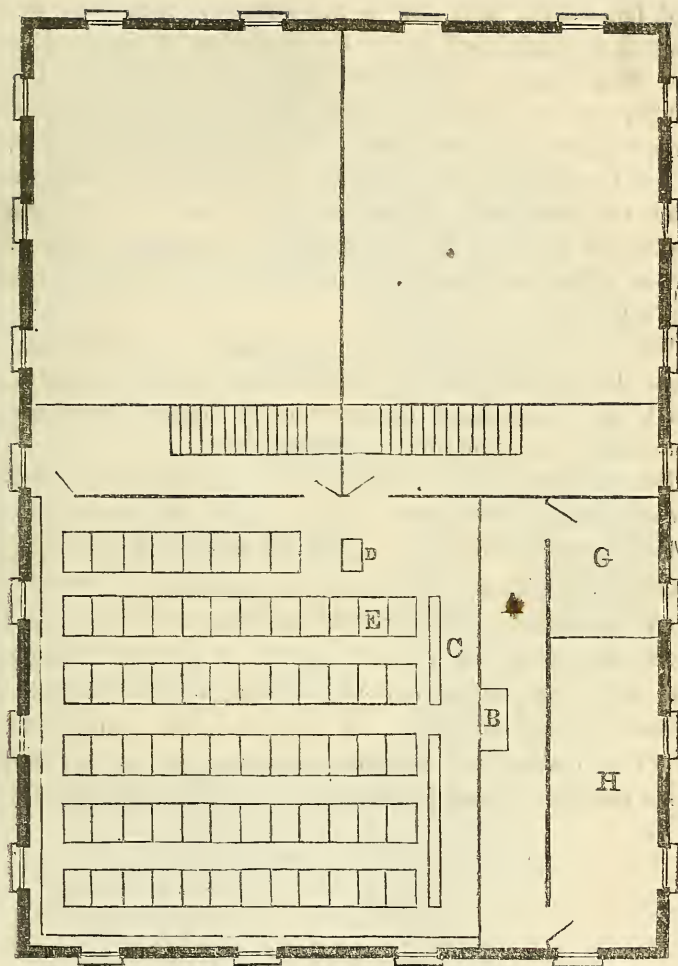
The large room will seat 136 scholars, and is arranged as follows :

- |                        |                      |
|------------------------|----------------------|
| A. Teacher's platform. | C. Recitation seats. |
| B. " table.            | D. Stove.            |
| E. Desk and seat.      |                      |

If one of the smaller school-rooms on this floor is used as a recitation room, there can then be six distinct departments in the building, which may be graded and named thus : on the lower floor, first and second primary, and first and second intermediate ; on the second floor in one of the smaller rooms, the junior grammar ; in the larger room the senior grammar and high school. A still better arrangement so far as gradation is concerned, would be had by dividing the upper floor into four rooms, the same as the the lower, using one room for library, apparatus, etc., and making three distinct grades, in separate rooms, namely : junior grammar, senior grammar and high school, thus giving to each teacher the entire control and management of his own pupils. The objection to this arrangement is, that it leaves no large room for general exercises, exhibitions etc. ; but this defect may be remedied in two ways ; first by making the building three stories high instead of two, and using the upper story for a gymnasium, lecture room, etc., and second, by holding exhibitions in some church or public hall instead of in the school-house. .

The separate room system is rapidly superseding the old plan of large school-rooms, with recitation-rooms attached, and it finds favor with our best teachers and educators.





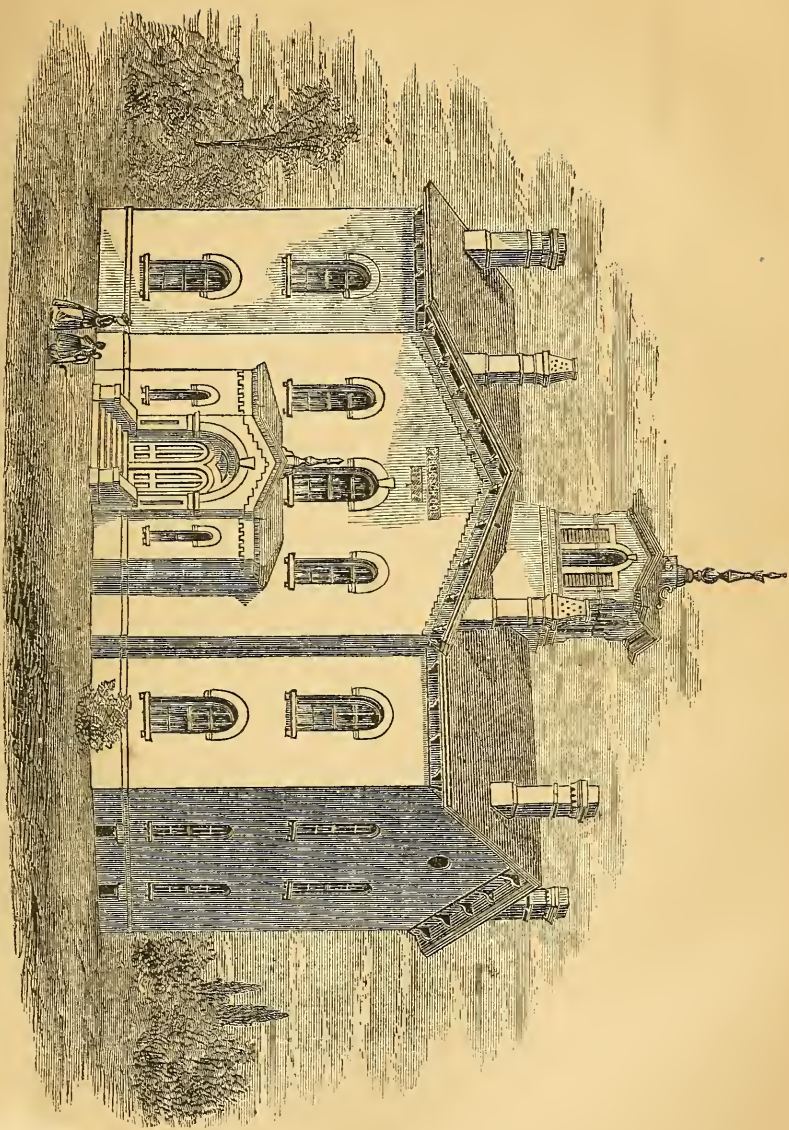
No. 6—Figure 2.

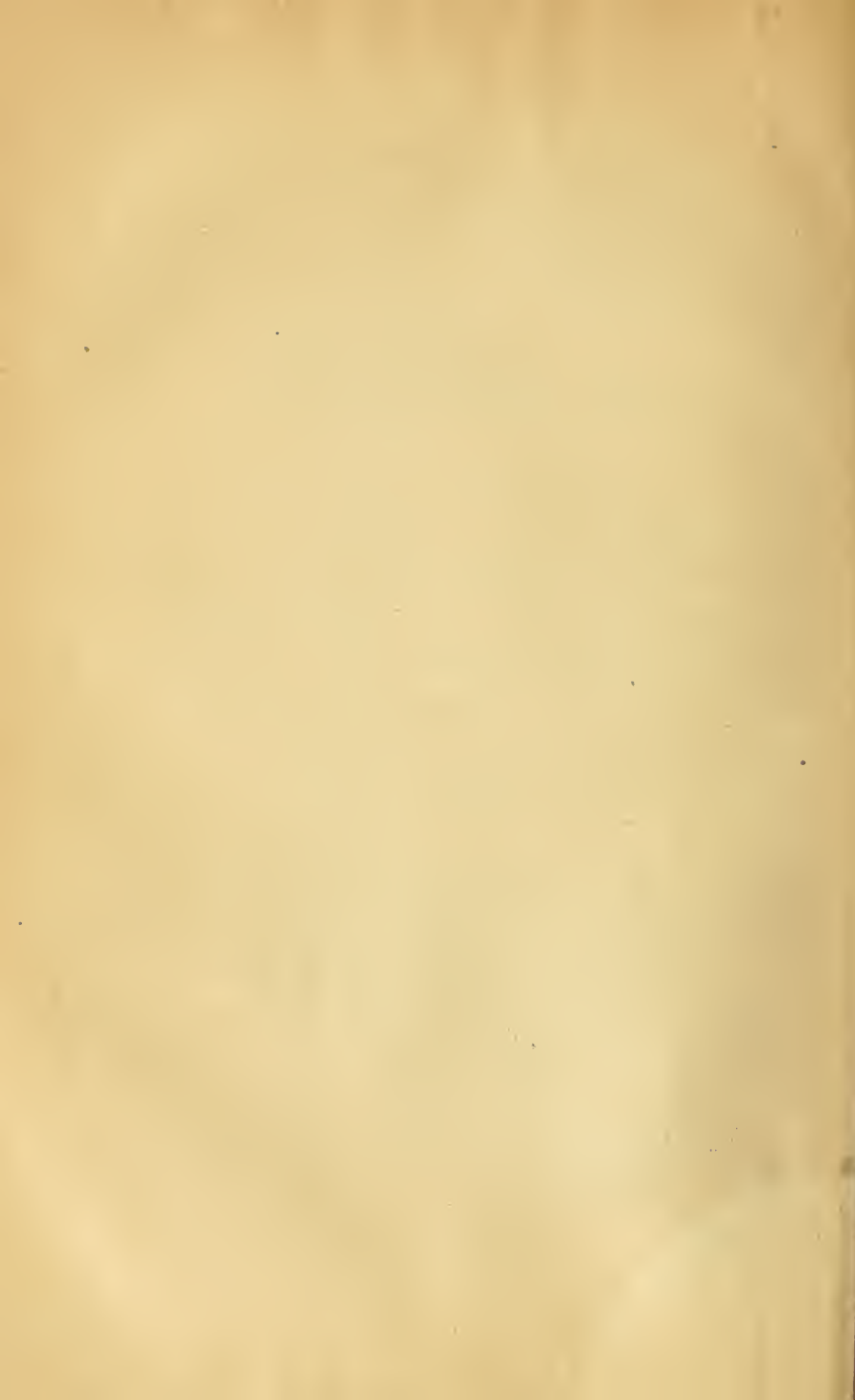
A house built after any of the foregoing plans may be increased or diminished in size by remembering that each seat and desk requires 2 1-2 feet space in width, and 3 1-2 in length, and as the inner aisles are 2 feet wide, each row of seats requires 5 1-2 feet space. Thus, by leaving out one row of seats and desks the building may be 5 1-2 feet narrower than the plan; and adding one row, it must be that much wider than the plan. So one tier of seats and desks being left out or added, will diminish or increase the length of the building 2 1-2 feet.

The plans are all made for double seats and desks, that is, those that will seat two pupils. If single desks and seats are used, the rooms must be considerably larger in order to accommodate the same number of scholars.

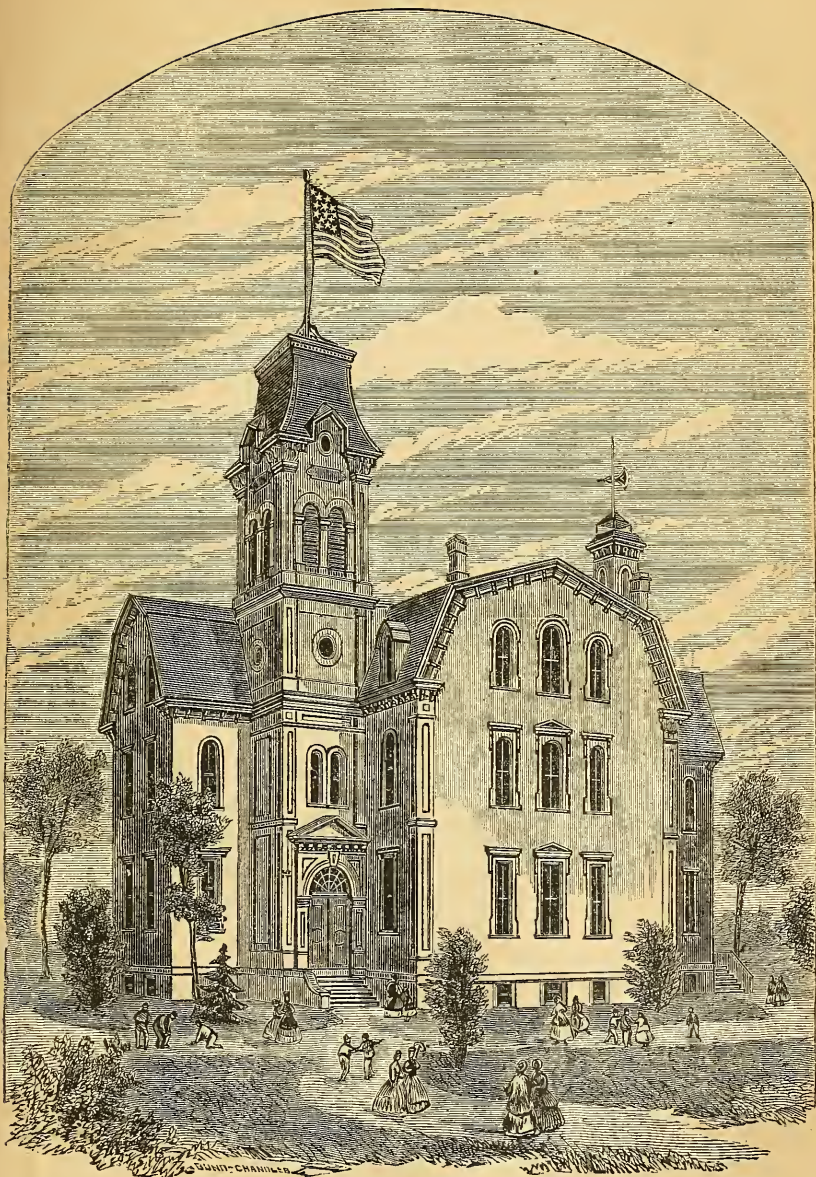
School-districts and boards designing to erect school-houses are earnestly advised, after deciding upon the plan for the inside of their buildings, to engage the services of a competent architect to furnish elevations, and specifications suitable for the plan selected. Of course the internal arrangement is the most important, but a small amount of money, judiciously expended in procuring suitable elevations and plans for the outside of a school-house, will return a large percentage of profit in making the building attractive, and in developing good taste, and a love for the beautiful in parents and pupils.

SECOND WARD SCHOOL-HOUSE, MADISON. (G. P. RANDALL, architect, Chicago.)



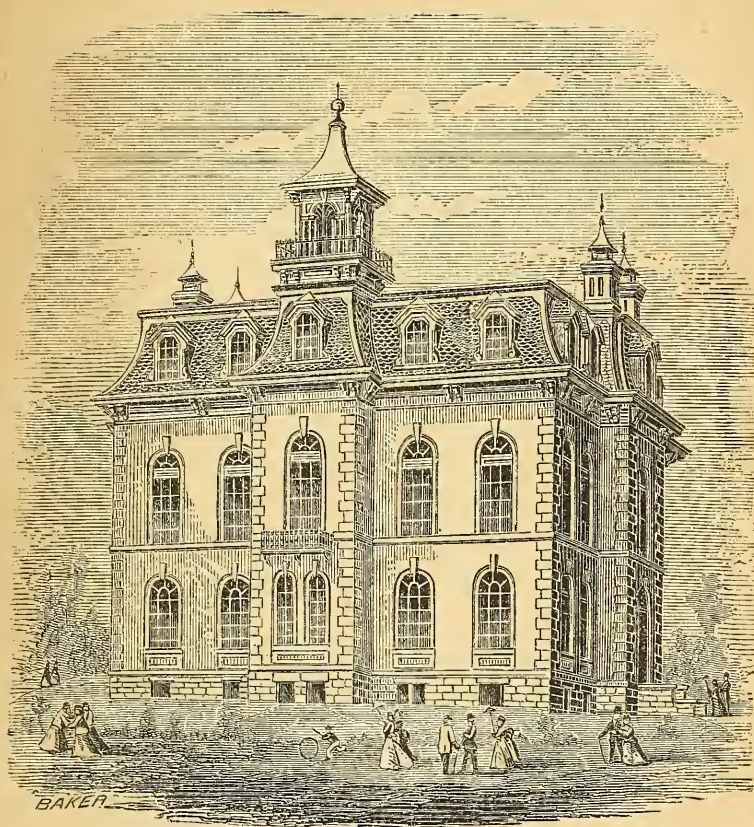






HIGH SCHOOL BUILDING, BERLIN.  
(G. P. RANDALL, Architect, Chicago.)

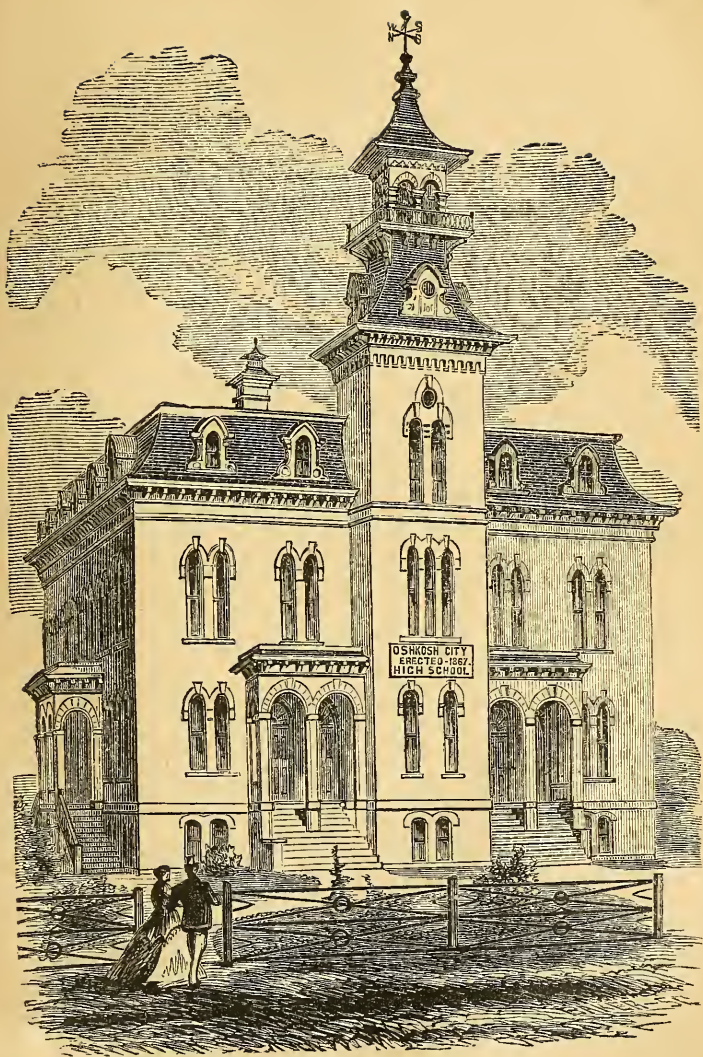




HIGH SCHOOL BUILDING, BELOIT.  
(J. C. COCHRAN, Architect, Chicago.)







HIGH SCHOOL BUILDING, OSHKOSH.



## SCHOOL BUILDINGS.

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The engravings immediately preceding this page, represent the Second Ward School Building in Madison, and the High School Buildings of Berlin, Beloit and Oshkosh. Brief descriptions of these fine edifices, except that in Berlin, are given below.

### SECOND WARD SCHOOL BUILDING, MADISON.

The grounds have a front of 165 feet on Gorham street, and a depth of about 265 feet to Lake Mendota, upon which it has a border of about 165 feet. This site, which contains one acre, is well supplied with native forest trees, and cost \$1,650.

The building is 61 feet front by 42 feet deep, with vestibule projection of five by twenty feet in front, and 11 by 26 feet in rear.

The basement walls are of stone, laid upon a concrete foundation, composed of broken stone and cement—are 8 feet high. The rooms are well lighted, and floored with brick laid in cement, upon concrete of gravel and cement, and afford ample room for furnaces and fuel, as well as play room for pupils in stormy weather.

The building above the basement is constructed of Edgerton brick, with limestone trimmings. It is two stories high, with four gables, and a bell tower rising from the centre to the height of about 60 feet from the ground, in which is hung a 600 pound bell.

There are four school rooms, each 26 by 34 feet, and 13 feet high, capable of furnishing seats for 64 to 72 pupils, with ample wardrobe closets.

The exterior woodwork is painted and sanded. The interior is grained to represent oak. The rooms are warmed by Littlefield's hot air furnaces, and are each furnished with two ventilating flues, with iron fan registers, which, with the conveniences for opening windows from top and bottom, it is believed will insure complete ventilation.

A small room 10 by 12 feet, on the second floor, may be used as a reception room, or for recitations, or as teachers' private room.

The water from the roof of the whole building is conducted to a cistern under the basement of the rear vestibule, which has a capacity of about 250 barrels.

The water closets, 18 by 26 feet, are in the rear of the rear vestibule, and so constructed as to form part of the building. By means of the cistern the vaults can be frequently washed and the contents sluiced into a cesspool some 150 feet distant. A ventilating shaft, extending from the vaults to the top of the smoke-stack, affords an escape for gasses and foul air.

The building was erected by contract with W. T. Fish, Esq., by whom the mason work was done; the carpenter work by Messrs. Sorenson & Frederickson; the plastering by Messrs. E. Sharp & Co.; the tin work and heating apparatus by Messrs. Lewis & Allen, and the painting by Messrs. Pollard & Nelson. The whole work was under the general superintendence of L. P. Drake, Esq., and cost \$16,000. The architect was G. P. Randall, of Chicago.

This building, like that in the Fourth Ward, is believed to be one of the best arranged school houses in the state.

#### BELOIT HIGH SCHOOL BUILDING.

The edifice occupies a commanding position on a high plat of ground on the west side of Rock river. The lot contains about six acres, admirably located, and when it shall be improved by the laying out and building of walks, the planting of trees and ornamental shrubbery it will become one of the



most delightful places of resort in the city. The east view from the grounds, takes in the greater part of the city east of the river, and the prospect from the cupola of the building, commands a range of country for many miles around, presenting a scene of grandeur unsurpassed, any where in the valley of the Rock river.

The size of the building is 57 by 65 feet, with three projections—one on the north, one on the east and one on the south. The building fronts north on Bridge street. The walls are constructed of Milwaukee brick, three stories above the basement. The style of architecture, is that known as the Elizabethan. The basement is divided into four large rooms, which are used chiefly for furnaces, coal, and storage generally. There are five furnaces in the basement, and their capacity for heating the whole building comfortably, was fully tested during the cold weather last winter.

The first story is divided into four rooms; two of which are 22 by 24, and two 20 by 25 feet. A hall 14 feet wide runs through the center, on each side of which is a flight of stairs, leading to the main room above. The rooms in the first story are 14 feet high in the clear, and are seated partly with double and partly with single seats. On this floor is also the room for the Principal—12 by 18 feet; it has a double window on the east, commanding a fine view of Rock river and the city beyond. This room is designed to be furnished with carpet, chairs, table, book cases and other conveniences.

The second story is the High School room proper. This room is 50 by 56 feet, and 18 feet high. It is seated with single chairs of a late pattern. On the same floor of this room are two commodious cloak rooms, and an apparatus room. The High School room, for elegance of finish, will compare with any Hall in the state. The frescoing is executed in fine taste, and the painting admirably done. This part of the work was executed by William Russell & Son.

The third story is the Assembly room; it is in size 54 by 67 feet and 16 feet high. This room is handsomely finished, and

affords accommodation for large audiences on public occasions. The ventilation of all the rooms in the building, is amply provided for in accordance with modern improvements.

The building is finished with a Mansard roof, which gives a pleasing effect to the exterior. It is surmounted with a handsome cupola, or bell tower, in which has just been suspended a new and good toned bell.

The architect and designer of the edifice, is Mr. J. C. Cochran of Chicago. The contractors and builders are Messrs. Vail & Folant of Beloit. The character of the work, of these mechanics and builders, will bear the closest inspection, and entitles them to the patronage of all such as contemplate the erection of public or private buildings.

The cost of the High School building, including fixtures and lot, is about \$33,000.

#### OSHKOSH HIGH SCHOOL BUILDING.

The building cost, including furniture, \$63,000. It is four stories high and built of best cream brick. The basement is divided into janitors' rooms, furnace-rooms and a large play-room, designed in time to be used as a gymnasium.

The first floor above is divided into rooms for classes "A" and "B," Grammar Department, each room seating 132 pupils, and having a recitation room and cloak room attached.

The next floor is occupied by the High School room proper, with suitable recitation rooms attached. This room seats 238 pupils.

The size of the building upon the ground is 70 by 80 feet.

The area of ground is about two acres, located in the centre of the city.

This edifice takes the lead thus far of the school buildings of the state, and is a fine specimen of architecture, an ornament to the city and a credit to the enterprise and intelligence of its citizens.

# FORMS FOR USE OF OFFICERS.

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## No. 1.

Form of order organizing a new school-district, to be filed with the town clerk.

It is hereby ordered and determined that [*here describe the territory to be comprised in the district, by sections and parts of sections*] shall hereafter constitute a school-district, to be known as school district No. — of the town of —.

Given under our hands this — day of — 18—.

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

---

## No. 2.

Form of order organizing a joint school-district.

It is hereby ordered and determined that [*here describe the territory by sections and parts of sections*] shall hereafter constitute a school-district, to be known as Joint School District No. — of the towns of — [*here insert the names of all the towns in which any portion of the district is situated.*]

Given under our hands this — day of — A. D 18—.

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.  
G. H. } Supervisors  
I. J. } of the town  
K. L. } of —.

NOTE.—The above order must be signed by at least two supervisors from each town affected by it, and it must be filed with the town clerk of each town.

---

## No. 3.

Form of notice for the first meeting of a school-district, to be delivered by the town supervisors to a taxable inhabitant of the district.

Having, on the — day of —, 18—, formed a new school-district, to be known as school district No. — of the town of —  
[or joint school-district No. — of the towns of — and — in

*case it be a joint district*] comprising the following territory :  
 [*Here insert the description of the district as in form No. 1.*]  
 you are hereby directed to notify every qualified voter of said district to attend the first meeting thereof, which is hereby appointed to be held at the house of —, in said district, on the — day of —, 18—, at — o'clock in the — noon, by reading this notice in the hearing of each such voter, or in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting.

Dated at —, this — day of —, 18—.

[Signed.]

A. B. } Supervisors  
 C. D. } of the town  
 E. F. } of —.

NOTE.—If it is a joint district, the notice must be signed by the supervisors of each town in which any part of the district lies.

#### No. 4.

Form of notice for first meeting, to be left at the residence of a voter when absent.

To A. B. :—

By direction of the supervisors of the town of —, you are hereby notified that the first meeting of school-district No. — of —, recently formed, will be held at the house of —, in said district, on the — day of —, 18—, at — o'clock in the — noon. Your attendance is requested.

[Signed.]

G. H.

*Person appointed to give notice.*

#### No. 5.

Form of return to be indorsed upon notice received from town supervisors, on the formation of a school-district.

I hereby certify that I have notified the following named persons [*Here give the names in full,*] personally, and the following named persons [*Here insert names,*] by copy, according to the direction of the within notice.

Dated this — day of —, 18—.

[Signed.]

G. H.

*Person appointed to give notice.*



## No. 6.

Form of notice for a meeting of a school-district, to be delivered by the town supervisors, to a taxable inhabitant, in case there is no officer to call a meeting.

*To A. B., a taxable inhabitant of School-District No. — of —:*

You are hereby directed to notify every qualified voter of School-District No. —, of —, to attend a meeting thereof, which is hereby appointed to be held at the house of —, in said district, on the — day of —, 18—, at — o'clock in the — noon, by reading this notice in the hearing of each such voter, or in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting. The following is a description of said district: [*Here describe the district as in Form No. 1.*]

Dated this — day of —, 18—.

[Signed.]

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —

NOTE.—If it is a joint district, the notice must be signed by the supervisors of each town in which any part of the district lies.

## No. 7.

Form of acceptance of office by district officers elected at the first meeting after the formation of a district, to be filed with the district clerk.

I hereby signify my acceptance of the office of — of school-district No. —, in the town of —, to which I have been elected.

Dated this — day of —, 18—.

[Signed.]

G. H.

## No. 8.

Form of notice to be given to the district clerk when alteration of the boundaries of a district is contemplated.

*To C. D., clerk of school-district No. —, of the town of —:*

You will take notice that we shall be present at [*Here mention the place*] on the — day of —, 18—, at — o'clock in the — noon, to hear and decide upon certain proposed alterations of the boundaries of said school-district.

Dated this — day of —, 18—.

[Signed.]

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —

NOTE.—In case of a joint district the above notice must be signed by a majority of the supervisors of each town, a part of which is embraced in the district or districts to be affected by the proposed alterations.

## No. 9.

Form of order altering the boundaries of a school-district.

It is hereby ordered and determined that the [*Here describe the territory by sections and parts of sections*] now part of school-district No. —, of the town of —, be, and hereby is taken from said school-district, and attached to and made a part of school-district No. —, of said town, for all purposes whatsoever.

This order will take effect on the — day of —, 18—.

Given under our hands this — day of —, 18—.

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE 1.—The above order must be filed with the town clerk and the district clerk, and in case of a joint district the order must be signed by a majority of the supervisors of each town, a part of which is embraced in the district, and filed with the town clerk of each town, and the district clerk of each district affected by the alteration.

NOTE 2.—The board of each district affected by the alteration, should indorse their consent on the order, as follows:

We hereby consent to the alteration made in school-district No. —, of the town of —, agreeably to the within order of the town supervisors of said town.

G. H., Director, } Of said school-district  
E. F., Treasurer, } No. — of the town  
C. D., Clerk, } of —.

NOTE.—When such consent is not indorsed upon the order, it will not take effect until three months from its date.

## No. 10.

Form of order of town supervisors awarding proportion of value of property to new district.

To the district clerk of school-district No. — of the town of —:

Having formed a new school-district, No. —, of the town of —, in part [*or wholly*] from the territory of your district, we have ascertained and determined the proportion of value of the school-house and other property justly due to such new district from your district, retaining such school-house and other property, to be — dollars. You are, therefore, to raise and collect by tax, upon the taxable property of your district, the said sum of — dollars, and when collected pay the same to the treasurer of said new district.

Given under our hands this — day of —, A. D. 18—:

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE.—In case of a joint district the above notice must be signed by a majority of the supervisors of each town embraced, in part, in the district.

## No. 11.

Form of notice for annual district meeting.

Notice is hereby given to the qualified electors of school-district No. —, of the town of —, that the annual meeting of said district for the election of officers and the transaction of other business, will be held at —, on the last Monday, being the — day of September, [*or August*] at 7 o'clock in the afternoon, [*unless some other hour was determined upon by the district at the previous annual meeting.*]

Dated this — day of —, 18—.

C. D.  
*District Clerk.*

NOTE.—The above notice must be affixed to the outer door of the school-house, if there be one in the district, and must be posted up in at least three other public places, at least six days before the time appointed for the meeting.

## No. 12.

Form of notice for an adjourned district meeting, when such meeting has been adjourned for a longer period than one month.

Notice is hereby given, that a meeting of the qualified electors of school-district No. —, in the town of —, will be held at —, in said district, on the — day of —, 18—, at — o'clock in the — noon, pursuant to adjournment.

Dated this — day of —, 18—.

C. D.  
*District Clerk.*

NOTE.—The foregoing must be posted the same as for the annual meeting.

## No. 13.

Form of request for clerk to call a special district meeting.

To A. B., clerk of school-district No. — of the town of —:

SIR—You are hereby requested to call a special meeting of the above district on the — day of —, 18—, at — o'clock in the — noon, for the purpose of, [*here state the business to be transacted.*]

Dated this — day of —, 18—.

[Signed,]

A. B.  
C. D.  
E. F.  
G. H.  
I. J.

NOTE.—The above notice must be signed by five legal voters.

## No. 14.

Form of notice for special district meeting.

Notice is hereby given to the qualified electors of school-district No. — in the town of —, that a special meeting of said district will be held at —, on the — day of —, 18—, at — o'clock in the —noon, for the following objects: [*here particularly specify each item of business to be acted upon.*]

Dated this — day of —, 18—.

[Signed,]

G. D.,  
District Clerk.

NOTE.—The above must be posted as for an annual meeting, and in case it is intended to raise a tax, three-fourths of the legal voters must be personally notified of the meeting, or a copy of the above notice must be left at their places of residence, at least six days before the time appointed for the meeting.

## No. 15.

Form of notice to town supervisors of action of a district meeting in reference to the formation of a union district.

*To the board of supervisors of the town of —:*

At the annual meeting held in district No. —, of said town on the — day of —, A. D. 18—, the qualified electors then present voted to unite with district No. —, in forming a union district for high school purposes, and the following are the names of the persons voting upon said proposition:

FOR THE UNION.

A. B.

C. D.

etc.

AGAINST THE UNION.

E. F.

G. H.

etc.

I hereby certify that the foregoing is a correct copy of the minutes of the annual meeting, so far as they relate to the matters therein set forth.

Dated the — day of —, 18—.

[Signed.]

A. B.,  
District Clerk.

NOTE.—Two-thirds of the qualified electors must vote in favor of the formation of a union district, or the action is void; and in case either of the districts so voting is a joint district the above notice must be served upon the supervisors of all the towns in which the district is situated.

## No. 16.

Form of order organizing a union high school district.

Notice of the action of districts Nos. — and —, having been served upon us according to law, it is hereby ordered and determined



that, [*Here describe the territory by sections and parts of sections,*] shall hereafter constitute a union district for high school purposes, to be known as union district No. — of the town of —.

Given under our hands this — day of —, A. D. 18—.

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE.—When the territory of the union district is situated in more than one town a majority of the supervisors of each town must sign the order, and a copy of it must be filed with the town clerk of each town in which the district lies.

### No. 17.

Form of appointment of first board of union district.

By virtue of authority vested in us, we hereby appoint A. B., director; C. D., treasurer; and E. F., clerk of union district No. —, of the town of —.

Given under our hands this — day of —, A. D. 18—.

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

### No. 18.

Form of notice to be given by the clerk of a school-district meeting, to the officers elect who were not present at the meeting.

To — — :

You are hereby notified that at a meeting of school-district No. — in the town of —, held on the — day of —, 18—, you were duly elected — of said district.

Dated this — day of —, 18—.

[Signed.]

C. D.,  
Clerk of said meeting.

NOTE.—This notice is required to be given within five days after the meeting, and only to those persons who were not present at the time.

### No. 19.

Form of refusal to accept district office, to be filed with the clerk of the district.

To the clerk of school-district No. — in the town of —:

You are hereby notified of my refusal to accept the office of — to which I was elected at the meeting of said district held on the — day of —, 18—.

[Signed.]

G. H.

NOTE.—This notice of refusal must be filed within ten days after the election, or the person will be deemed to have accepted the office, and be liable to fine for non-performance of duty.

No: 20.

Form of bond of district treasurer, to be filed with the district clerk.

Know all men by these presents, that we, E. F., treasurer of school-district No. — of the town of —, and L. M., his surety, are held and firmly bound unto said school-district in the sum of [*here insert a sum of double the amount to come into the treasurer's hands, as near as can be ascertained*] to be paid to the said school-district, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this — day of —, A. D., 18—.

The condition of the above obligation is such that if the said E. F., treasurer as aforesaid, shall faithfully discharge the duties of his office as treasurer of said school-district, and shall well and truly pay over to the person or persons entitled thereto, upon the proper order therefor, all sums of money which shall come into his hands as treasurer of said district, and shall, at the expiration of his term of office pay over to his successor in office all moneys remaining in his hands as treasurer aforesaid, and shall deliver to his successor all books and papers appertaining to his said office, then this obligation shall be void, otherwise of full force and virtue.

Signed, sealed and delivered in )  
 presence of R. S. )  
 G. H. )

E. F. [SEAL]  
 L. M. [SEAL]

Form of approval to be indorsed on the bond of treasurer.

We approve of the within bond and surety.

[Signed,]

G. H.,  
*Director.*  
 C. D.  
*Clerk.*

No, 21.

Form of notice to treasurer to furnish additional security.

To A. B., treasurer of school district No. —:

SIR—Deeming the security upon your bond insufficient to protect the district against loss, we hereby require you to furnish a new bond in the sum of \$—, with sureties to be approved by us, within ten days of the date hereof.

Dated this — day of —, 18—.

[Signed,]

C. D.,  
*Director.*  
 E. F.,  
*Clerk.*

## No. 22.

Form of order on treasurer for moneys to be disbursed by school-district.

To A. B., treasurer of school-district No. — in the town of —:

Please pay to — —, the sum of — dollars for [*here specify the object for which the money is to be paid,*] out of any money in your hands, not appropriated, belonging to the [*here name the fund on which the order is drawn*] of said district.

Dated this — day of —, 18—

[Signed.]

C. D., District Clerk.

G. H., Director.

## No. 23.

Form of certificate to be attached to proceedings of a district meeting by the person acting as clerk, in the absence of the district clerk.

I hereby certify that the foregoing is a correct and complete record of the proceedings of [*the annual or a special meeting, as the case may be,*] held in school district No. — of the town of — on the — day of —, A. D. 18—.

[Signed.]

A. B.

Clerk, *pro tem.*

## No. 24.

Form of contract between district and teacher.

It is hereby agreed between school-district No. — of the town of —, and L. M., a qualified teacher of the town of —, that the said L. M., is to teach the common school of said district for the term of [*here insert the time,*] for the sum of — dollars per — [*week or month as the case may be,*] commencing on the — day of —, 18—, and for such services, properly rendered, the said district is to pay to the said L. M., the amount that may be due, according to this contract, on or before the — day of —, 18—.

Dated this — day of —, 18—.

[Signed.]

C. D., District Clerk.

L. M., Teacher.

NOTE.—The director or treasurer, or both, are to indorse this contract as follows:

I [*or we*] consent to the within contract.

G. H., Director, or } [*or both.*]  
E. F., Treasurer, }

NOTE.—In case the Teacher is employed in a graded school, the particular department for which he is engaged, may be specified in the contract; and when the teacher is hired by the month, it is best always to specify in the contract how many days of teaching shall be considered a month.

## No. 25.

Form of annual report of school-district clerks.

*Annual report of the clerk of school-district No. —, of the town of — of the county of —, State of Wisconsin, for the year ending August 31, 187—.*

## GENERAL STATISTICS.

	Male.	Female.	Total.
1. Number of children over the age of 4 and under the age of 20 years, residing in the district on the 31st day of August, 187.....			
2. Number of children under 4 years of age, taught in the district school during the year, by duly qualified teachers.....			
3. Number of persons over 20 years of age taught in the district school during the year by duly qualified teachers.....			
4. Number of children over 4 and under 20 years of age taught in the district school during the year, by duly qualified teachers.....			
5. Whole number of different children taught in the district school during the year, by duly qualified teachers.....			
NOTE.—The clerk should carefully examine the register, and no pupil should be counted more than once in making up items 2, 3, 4 and 5, though he may have been in school two or more terms.			
6. Number of days attendance of pupils under 4 years of age.....			
7. Number of days attendance of pupils over 20 years of age.....			
8. Number of days attendance of pupils over 4 and under 20 years of age.....			
9. Whole number of days attendance of different pupils during the year.....			
10. The whole number of days (including holidays) the public school of the district has been taught during the year.....			
11. The number of days (including holidays) the public school of the district has been taught during the year, by teachers qualified according to law.....			
NOTE.—A "qualified teacher," within the meaning of the statutes, is one who holds an unexpired certificate from the County Superintendent. District Boards should see that all teachers they employ possess a certificate <i>before a contract is made</i> .			
12. Number of teachers required to teach the public schools in the district.....			
13. Number of different persons employed as teachers during the year.....			
14. Average monthly wages paid to teachers....			
NOTE.—When the district boards the teacher, the price of board should be included in the wages paid, as given above, and when more than one teacher of the same sex is employed during the same term, the average wages should be given.			



## DISTRICT LIBRARY.

Number of volumes added during the year.....	.....
Amount expended for library during the year.....	.....
Whole number of volumes in district library.....	.....
Cash value of library .....	.....

## TEXT BOOKS USED IN THE SCHOOL.

Spelling Books.....	Geographies .....
Readers .....	Grammars.....
Arithmetics.....	Physiologies .....
Histories of the United States.....	Algebras.....

## FINANCIAL STATEMENT FOR THE YEAR.

RECEIVED.	DOLLS.	CTS.	PAID.	DOLLS.	CTS.
Money on hand August 31, 187— .....			For building and repairing.....		
From district tax levied for building and repairing.....			For apparatus and library.....		
From district tax levied for teachers' wages .....			For services of male teachers.....		
From district tax levied for apparatus and library.....			For services of female teachers.....		
From tax levied at annual town meeting .....			For old indebtedness.....		
From tax levied by county supervisors .....			For school furniture, registers, records, etc.....		
From income of state school fund .....			For all other purposes.....		
From all other sources .....			Total amount paid out during the year.....		
			Money on hand August 31, 187— .....		
Amount .....			Amount .....		

## DISTRICT SCHOOL-HOUSES, SITES, ETC.

No. of pupils the school-house will accommodate .....	Are there outline maps in the school-room? .....
Size of the school-house site .....	No. of visits to the school by the county superintendent during the year.....
Is the site well inclosed? .....	
Of what material is the house built? .....	
Are the out-houses in good condition? .....	Cash value of the school-house .....
Is the school-house in good condition? .....	Cash value of the site.....
Has the district board adopted a list of text-books? .....	Cash value of apparatus .....
	Amount .....

Number of private schools in the district .....	Number of pupils registered during the year who have not attended the district school.....
Number of teachers employed to conduct the schools.....	Average number in daily attendance.....
Average number of days the schools have been taught.....	

*School census of district No. — of the town of —, county of —, state of Wisconsin, for the school year ending August 31, 18—, as taken by — —, between the first and tenth days of September, 18—.*

STATE OF WISCONSIN, ——— county, ss.

—, clerk of district No. —, of the town of —, county of —, state of Wisconsin, being duly sworn, says that the following is a correct statement of the number of children, male and female designated separately, over the age of four and under the age of twenty years, residing in said district on the 31st of August, 18—, and of the names of the parents or other persons with whom such children did respectively reside on said day.

*District Clerk.*

Sworn and subscribed to before me, }  
 this — day of —, 18—. }  
 \_\_\_\_\_,  
 \_\_\_\_\_.

Note.—An additional sheet should be ruled and securely attached to this, if necessary.

[illegible]

I, ———, district clerk, being duly sworn, depose and say, that the above report is true, according to my best knowledge and belief, and that the district school of this district has been taught

by a qualified teacher — months of twenty-two days each, (including legal holidays), during the year ending August 31, 18—.

\_\_\_\_\_,  
*District Clerk.*

Sworn to and subscribed before me, }  
this — day of —, 18—. }  
\_\_\_\_\_, }  
*Justice of the Peace.* }

NOTE.—The clerk of a joint school-district will make the above report, except the items 1 and 11, to the town clerk of the town in which the school-house is situated, including the facts therein relating to the whole district, and a partial report, as per small blanks, to the town clerk of each town, a part of which is embraced in the district.

## No. 26.

Form of annual report of clerk of joint school-district.

*Annual report of the clerk of joint school-district No. —, of the towns of — and — and — for the year ending August 31, 187—.*

	MALE.	FEMALE.	TOTAL.
1. Number of children over the age of 4 and under the age of 20 years residing in that part of the district lying within the above named town of —, on the 31st of August, 187—,.....			
3. The whole number of days (including holidays) the public school of the district has been taught, during the year, by teachers qualified according to law, .....			

I, — — District Clerk, being duly sworn, depose and say, that the above report is true, according to the best of my knowledge and belief, and that the district school of this district has been taught by a qualified teacher — months of twenty-two days each, (including legal holidays,) during the year ending August 31, 187—.

\_\_\_\_\_,  
*District Clerk.*

Sworn to and subscribed before me, }  
this day of — 187—. }  
\_\_\_\_\_, }  
\_\_\_\_\_. }

NOTE.—The clerk of a joint school-district will make the above report to the town clerk of each town, a part of which is embraced in the district, and will, in addition thereto, make a full report to the town clerk of the town in which the school-house is situated, excepting the items 1 and 11, in the large blanks, which will be omitted,

## No. 27.

Form of school register to be kept by the teacher of each school.

Upon the first page or pages of the register should appear the names, and studies of the several pupils, in manner as follows :

NAMES.	STUDIES.										
	Age.	Spelling.	Reading.	Writing.	Grammar.	Arithmetic.	Geography.	Physiology.	History.	Algebra.	
J. Brown....	13	1	1	1	1	1	...	...	1	...	...
S. Smith....	12	1	1	1	...	1	1	...	...	...	...
W. Stone....	9	1	1	1	...	1	...	...	...	...	...
T. Talbot....	7	1	1	1	...	...	...	...	...	...	...
J. Jones....	16	1	1	1	1	1	1	1	...	...	...
W. Jones....	18	1	1	1	1	1	1	1	...	1	...
S. White....	16	1	1	1	1	1	...	1	...	...	...
R. Mace....	15	1	1	1	1	1	...	...	...	...	...
J. Tallman...	10	1	1	1	...	1	...	...	...	...	...
W. Bright...	11	1	1	1	...	1	1	...	...	...	...
E. Thorn....	9	1	1	1	...	...	...	...	...	...	...
W. Jack....	17	1	1	1	1	1	1	1	...	...	...

Other studies than those noted may be inserted in the blank columns.

Following this will be found the daily register of attendance, in form as follows :

*Daily register of school taught in district No. — of — for the term of four months, commencing — 187—.*

This mark (/) indicates present in the forenoon ; this, (\) present in the afternoon ; this, (X) present all day.

	M.	T.	W.	TH.	F.	S.
J. Brown.....	X	X	\	X	\	...
S. Smith.....	X	X	X	X	X	X
W. Stone.....	/	\	X	X	\	X
T. Talbot.....	/	X	...	\	X	...
J. Jones.....	X	X	X	X	\	...
W. Jones.....	X	\	X	X	X	X
S. White.....	X	...	X	\	X	...
R. Mace.....	\	X	\	X	...	...
J. Tallman.....	X	...	\	...	X	/
W. Bright.....	/	X	X	X	X	\
E. Thorn.....	X	/	X	...	X	\
W. Jack.....	X	X	/	\	X	/
Attendance .....	10	8½	9	8½	9½	5



NOTE.—The figures at the bottom of the column show the actual number of days' attendance for that particular day. Each night the teacher should foot the column for the day, placing the number of days' attendance in figures at the bottom. The sum of these numbers for the several days of the term will give the day's attendance for the term, and the average attendance is found by dividing this sum by the whole number of days the school has been taught. The average attendance for a week or a month is found in the same manner.

If, on the other hand, the teacher prefers to mark absences, it may appear thus: (/) indicates absence in the forenoon; (\) absence in the afternoon; (X) indicates absence all day. The record will then appear in the form represented below, and the blanks will be counted instead of marks.

	M.	T.	W.	TH.	F.	S.
J. Brown.....			\	...	\	X
S. Smith.....						...
W. Stone.....	/	\			\	...
T. Talbot.....	\	...	X	\	...	X
J. Jones.....					\	X
W. Jones.....		\				...
S. White.....		X		\		X
R. Mace.....	/	...	\	...	X	X
J. Tallman.....		X	\	X	...	/
W. Bright.....	\					\
E. Thorn.....		/		X		\
W. Jack.....			/	\	...	/
Attendance.....	10	8½	9	8½	9½	5

NOTE.—It is very desirable that each district in the state be fully and accurately reported. If one district in a town fails to report this item, the whole town suffers from this failure, in comparison with other towns that may be fully reported.

That the register may be neatly kept, it will be best for the teacher to use a small blank book, in which may be registered the absences for the day, and then at night the register may be properly filled and footed.

## No. 28.

Form of a deed of a school-house site.

Know all men by these presents, that A. B. [*and C. B., his wife, if married,*] of the town of —, in the county of —, in the state of Wisconsin, party of the first part, for and in consideration of the sum of — dollars to them in hand paid by the district board of “school-district No. —, of the town of —” county of —, and state aforesaid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said school-district, party of the second part, and their assigns, the following described piece or parcel of land, namely: [*here insert description of land.*] Together with all the privileges and appurtenances thereunto belonging. To have and to hold the same to the said party of the second part, and their assigns forever; and the said party of the first part, for themselves, their heirs, executors and administrators, do covenant, bargain and agree, to and with the said party of the second part, and their assigns, that at the time of the sealing and delivery of these presents, they are

well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law in fee simple, and that the said lands and premises are free from all incumbrances whatsoever; and that the above bargained premises in the quiet and peaceable possession of the said party of the second part, and their assigns, against all and every person or persons lawfully claiming, or to claim, the whole or any part thereof, the said party of the first part will forever warrant and defend.

In witness whereof, the said A. B. and C. B., his wife, party of the first part, have hereunto set their hands and seals, this — day of —, A. D. 18—.

Signed, sealed and delivered }  
in presence of E. F. }  
G. H. }

A. B. [SEAL.]  
C. B. [SEAL.]

NOTE—Such deed should be duly acknowledged before a notary public, justice of the peace, or other officer authorized by law to take such acknowledgement, and recorded in the office of the register of deeds for the county.

## No. 29.

Form of lease.

Know all men by these presents, that A. B., of the town of —, in the county of —, in the state of Wisconsin, of the first part, for the consideration herein mentioned, does hereby lease unto "School-district No. — of the town of —," county of —, in the state aforesaid, party of the second part, and their assigns, the following described parcel of land: [*Here insert description of land.*] Together with all the privileges and appurtenances thereunto belonging: To have and to hold the same for and during the term of — years from the — day of —, A. D. 18—; and the said party of the second part for themselves and their assigns, do covenant and agree to pay the said party of the first part, for said premises, the annual rent of — dollars.

In testimony whereof, the said parties have hereunto set their hands and seals, this — day of —, 18—.

A. B., Lessor, [SEAL.]  
C. D., } District board of school-  
E. F., } district No. —, of the  
G. H., } town of —.

## No. 30.

Form of an appointment to fill a vacancy in the district board.

To A. B.—:

The office of [*clerk, director or treasurer,*] of school district No. —, of the town of —, having become vacant, you are

hereby appointed to fill such vacancy until the next annual meeting in said district.

Dated this — day of —, 18—.

[Signed]

G. H.

*Director.*

E. F.

*Treasurer.*

NOTE.—It requires two members of the board to make an appointment. If they neglect, for ten days to fill the vacancy, it must be done by the town clerk, after the following form. In either case the appointment must be filed with the district clerk.

---

No. 31.

To A. B.—:

The office of [*clerk, director or treasurer*] of school-district No. — of the town of —, having become vacant, and the district board of said district having failed to fill the same within ten days, you are hereby appointed to fill such vacancy until the next annual meeting of said district.

[Signed.]

C. D.

*Town Clerk.*

---

No. 32.

Form of refusal to accept a district office or appointment.

To the district board of school-district No. —, [*or the town clerk as the case may be, of the town of —*]:

You are hereby notified of my refusal to accept the office of —, of school-district No. —, of said town, to which I was appointed by you on the — day of —, A. D. 18—.

Dated this — day of —, 18—.

[Signed,]

G. H.

NOTE.—The notice of refusal must be filed with the clerk or director within five days after the appointment, or the person will be deemed to have accepted the office, and be liable to a fine for non-performance of duty.

---

No. 33.

Form of certificate of town treasurer of moneys in his hands subject to apportionment.

To the town clerk of the town of —:

I hereby certify that there is now in my hands the sum of \$—, school moneys, subject to apportionment to the school districts entitled thereto.

Dated this — day of —, 18—.

[Signed.]

A. B.

*Town Treasurer.*

Form of town clerk's report to county superintendent of schools.

*To the county superintendent of schools of the county of \_\_\_\_\_*  
 Annual report of the town clerk of the town of \_\_\_\_\_, in the county of \_\_\_\_\_, state of Wisconsin, for the year  
 ending August 31st, 18—.

District No. 1.....	Number of male children over 4 and under 20 years of age.	No. of female children over 4 and under 20 years of age.	Total number of children over 4 and under 20 years of age in the district.	No of children over 4 and under 20 years of age in the districts maintaining school five or more months.	No. under 4 years of age who have attended school.	No. over 20 years of age who have attended school.	No. over 4 and under 20 years of age who have attended school.	Total number of different pupils who have attended school during the year.	No. of days attendance of pupils under 4 years of age.	No of days attendance of pupils over 20 years of age.	No. of days attendance of pupils over 4 and under 20 years of age.	Total number of days' attendance of different pupils during the year.	Number of days a school has been taught by a qualified teacher during the year.	No. of departments in the schools.	No. of teachers required to teach the schools	No. of different persons employed as teachers during the year.	Wages of male teachers per month*	Wages of female teachers per month.*
do.....2.....																		
&c.																		
Joint district No. 1.....																		
do.....2.....																		
&c.																		
Totals and Averages..																		



	District No. 1.	Joint Dist' No. 1.	District No. 2.	District No. 3.	Totals
No. of volumes added during the year	.....	.....	.....	.....	.....
Amount expended for books during the year.	.....	.....	.....	.....	.....
Whole number of volumes in the district library.	.....	.....	.....	.....	.....
Cash value of library.	.....	.....	.....	.....	.....
Spelling books.	.....	.....	.....	.....	.....
Readers.	.....	.....	.....	.....	.....
Arithmetics.	.....	.....	.....	.....	.....
Histories of the United States.	.....	.....	.....	.....	.....
Geographies.	.....	.....	.....	.....	.....
Grammars.	.....	.....	.....	.....	.....
Physiologies.	.....	.....	.....	.....	.....
Algebras.	.....	.....	.....	.....	.....
TEXT BOOKS USED.	.....	.....	.....	.....	.....
From money on hand August 31, 1870.	.....	.....	.....	.....	.....
From taxes levied for building and repairing.	.....	.....	.....	.....	.....
From taxes levied for teachers wages.	.....	.....	.....	.....	.....
From taxes levied for apparatus and library.	.....	.....	.....	.....	.....
From taxes levied at annual town meeting.	.....	.....	.....	.....	.....
From taxes levied by county supervisors.	.....	.....	.....	.....	.....
From income of state school fund.	.....	.....	.....	.....	.....
From all other sources.	.....	.....	.....	.....	.....
Total amount received during the year.	.....	.....	.....	.....	.....
MONEYS PAID.	.....	.....	.....	.....	.....
For building and repairing.	.....	.....	.....	.....	.....
For apparatus and library.	.....	.....	.....	.....	.....
For services of male teachers.	.....	.....	.....	.....	.....
For services of female teachers.	.....	.....	.....	.....	.....
For old indebtedness.	.....	.....	.....	.....	.....
For school furniture, registers, records, &c.	.....	.....	.....	.....	.....
For all other purposes.	.....	.....	.....	.....	.....
Total amount paid out during year.	.....	.....	.....	.....	.....
Money on hand August 31, 1871	.....	.....	.....	.....	.....

## DISTRICT SCHOOL-HOUSES, SITES, ETC.

1. No. of school-houses in the town.....		
2. No. of pupils the school-houses will accommodate.....		
3. No. of sites containing less than one acre.....		
4. No. of sites well enclosed.....		
5. No. of school houses built of stone or brick.....		
6. No. of school-houses having out-houses in good condition.....		
7. No. of districts in which a list of text books has been adopted by the district board.....		
8. No. of school-houses furnished with outline maps.....		
9. No. of joint districts with school-houses in this town.....		
	DOLS.	CTS.
10. Highest valuation of school-house and site.....		
11. Cash value of school-houses.....		
12. Cash value of sites.....		
13. Cash value of apparatus, etc.....		

## PRIVATE SCHOOLS NOT INCORPORATED.

1. Number of such schools in the town.....	
2. Number of teachers engaged in such schools.....	
3. Average number of days such schools have been taught.....	
4. Number of pupils registered who have not attended the district school.....	
5. Average number in daily attendance.....	

STATE OF WISCONSIN—*County of* —, ss.

I, —, town clerk of the town of —, of the county of —, do hereby certify, that this report for the said town, for the year ending August 31st, 18—, is correct and true, according to the best of my knowledge and belief.

—, *Town Clerk.*

NOTE.—The same form as the foregoing may be used by a secretary of a town board in making his report to the county superintendent, by using the word "sub-district" instead of "district," and the words "secretary of town board" instead of "town clerk."

## No. 35.

Form of notice to town treasurer of apportionment of school moneys by the town clerk.

*To the treasurer of the town of —*

You are hereby notified that I have apportioned the school moneys now in your hands, to the different districts of the town, as follows :

To district No. 1 .....	\$.....	To district No. 6 .....	\$.....
.....do..... 2 .....	.....	.....do..... 7 .....	.....
.....do..... 3 .....	.....	To joint..do.. 1 .....	.....
.....do..... 4 .....	.....	.....do..... 2 .....	.....
.....do..... 5 .....	.....	.....do..... 3 .....	.....

NOTE.—Immediately upon the receipt of the certificate of the treasurer, of the amount in his hands, the clerk shall proceed to apportion it among the several districts of the town from which reports have been received according to law, and thereupon he will notify the treasurer, as above, that he may pay the moneys to the treasurers of the districts entitled to the same.

## No. 36.

Form of report of town clerk to the county superintendent, of the names and post office addresses of the district clerks in his town.

*To the county superintendent of schools of the county of —*

SIR—I hereby report to you names of the school-district clerks in the town of —, and their addresses, as follows :

District.	Name of clerk.	Post-office.
No. 1 .....	A. B. ....	.....
No. 2 .....	C. D. ....	.....do.....
No. 3 .....	E. F. ....	.....do.....
No. 4 .....	G. H. ....	.....do.....
No. 5 .....	I. K. ....	.....do.....
No. 6 .....	L. M. ....	.....do.....
Joint No. 1 .....	N. O. ....	.....do.....
2 .....	P. R. ....	.....do.....
3 .....	S. T. ....	.....do.....

[Signed.]

A. W.,  
Town Clerk.

NOTE.—The town clerk must report his own name and post-office to the county superintendent within ten days after his, the said clerk's election or appointment, and the name and post-office of each district clerk in his town, within ten days after the filing of the same in his office.

## No. 37.

Form of statement of the amount of taxes voted to be raised in a school-district, to be delivered by the district clerk to the town clerk.

*To R. S. Town clerk of the town of — :*

The amount of taxes voted to be raised in school-district No. — of the town of —, at the last annual meeting of said district held on the — day of September, 18—, is [*write the amount in words*] dollars; which amount amount you are requested to assess upon the taxable property therein.

The following is a list of the names of the persons and corporations liable to a school district tax in said district: [*Here insert the names of the persons and corporations.*]

Dated this — day of —, 18—.

[Signed.]

C. D.

*Clerk of school-district No. —, of the town of —.*

NOTE.—If the district has been lately organized and a tax was voted at the first meeting, as well as at the annual meeting, that should be stated; also any tax voted at a special meeting, held between the time of the annual meeting, and the first Monday of November following.

STATE OF WISCONSIN—*County of —, ss.*

C. D., being duly sworn, on oath says, that he is the clerk of school-district No. — of the town of —, and that the above statement by him made of the amount of taxes voted to be raised in said school district, and the list of corporations liable to a school district tax therein, are true.

[Signed.]

C. D.

Subscribed and sworn to before me, this — day of —, 18—.

[Signed.]

J. P.

*Justice of the Peace.*

## No. 38.

Form of statement of the amount of taxes voted to be raised in a joint district, to be delivered to the clerk of each town in which any part of the district is situated.

*To R. S., of the town of — :*

The amount of taxes voted to be raised in joint school-district No. —, of the towns of — and —, at the last annual meeting of said district, held on the — day of September, 18—, is [*write the amount in words*] dollars; and the proportion of that amount to be raised in that part of said district, which lies in the town of — is [*write the amount in words*] dollars which you are requested to assess upon the taxable property therein.



The following is a list of the names of the persons and corporations liable to a school-district tax in that part of the district lying within the town of — [here insert the names of the persons and corporations.]

[Signed]

C. D.,  
Clerk of joint school-district No. —,  
Of the towns of — and —.

NOTE.—Attach affidavit of the district clerk similar to the one given in form No. 37.

### No. 39.

Form of tax list to be made by the district clerk for the collection of a tax voted at a special meeting, held between the first Monday of November and the time of the annual meeting in the following year.

### Tax List.

Names of persons	Description of real estate.	Value of real estate.	Amount of personal property.	Total value of property.	Amount of tax.
A. B.....	se qr sec 23.....	900 00	100 00	1000 00	25 00
C. B.....	e hf se qr sec 17, ..	500 00		500 00	12 50
E. F.....	nw qr of se qr of sec 9	200 00	50 00	250 00	6 25

I do hereby certify that I have set down in the above tax list all the real estate situate in district No.—, of the town of—, county of —, and state of Wisconsin, liable to be taxed, according to my best information, and that with the exception of those cases in which the valuation has been otherwise fixed pursuant to law, I have estimated the same at what I believe to be the true cash value thereof; that the said tax list contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said list, as nearly as I could ascertain the same.

Given under my hand, this — day of —, 18—.

A. B.,  
Clerk of district No. —, town of —.

## No. 40.

Form of warrant annexed to assessment roll by district clerk, for the collection of taxes levied at special district meeting.

*The state of Wisconsin to the treasurer of district No.—, of the town of —, county of — :*

You are hereby commanded to collect from each of the persons and corporations named in the annexed tax list, and of the owners of the real estate described therein, the taxes set down in such list opposite to their respective names, and to the several parcels of land therein described ; and within ten days from the date of this warrant, personally demand such tax of the persons charged therewith in such lists, if they be found within your town ; and if any such tax shall not be paid within said ten days, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed ; and the moneys so collected you are to retain as treasurer of the aforesaid district, subject to the order of the district board ; and you are further required to make return to said district board of this warrant, with said list annexed, within forty days from the date hereof, together with your doings thereon, as provided by law.

Given under my hand this — day of —, in the year 18—.

A. B.,

*Clerk of district No. —, town of —.*

NOTE—The above warrant may be renewed by the clerk for thirty days, and, with the consent of the town clerk, for a longer period. See form No. 43.

## No. 41.

Form of return of unpaid taxes.

*To the town clerk of the town of —:*

SIR—A special district tax having been levied in school district No. —, and assigned to me to collect, I hereby report to you the tax on the following lots and parcels of land as unpaid, and that after making diligent efforts I have been unable to collect the same.

Name of owner.	Description of land.	Value.	Am't of tax.
A. B.....	ne qr section 15 .....	400 00	10 00
C. D.....	e hf of nw qr section 12.....	160 00	4 00

E. T.,

*Treasurer district No.—*

Subscribed and sworn to this — day of —, A. D., 18—, before me.

G. H.,

*Justice of the peace.*

## No. 42.

Form of certificate of unpaid taxes.

I hereby certify that the sum of \$——, unpaid special district tax has been this day returned to me for collection by E. F., treasurer of school district No. —.

Dated this — day of —, 18—.

A. B.,

*Town Clerk of town of —.*

NOTE.—The treasurer must deposit the above certificate with the district clerk who will file and preserve it.

## No. 43.

Form of renewal of warrant by the district clerk, to be indorsed upon said warrant.

I hereby renew the within warrant for thirty days.

[Signed.]

A. B.

*District Clerk.*

NOTE.—If it shall be necessary to renew the warrant for a longer period than thirty days, the town clerk must endorse his consent to such renewal upon the warrant, as follows:

I hereby consent to a second renewal of the within warrant.

[Signed.]

C. D.

*Town Clerk.*

## No. 44.

Form of determination of relative proportion of taxes to be assessed upon the different parts of a joint district, situated in two or more towns.

Upon the application of A. B., C. D., and E. F., tax payers in joint school-district No. —, of the towns of —, and —, we have made the necessary inquiry and examination, and do hereby determine, that for every dollar of district tax to be hereafter levied upon or collected in said district, the sum of — cents shall be assessed upon that portion of the district lying in the town of —, and — cents upon that part lying in the town of —.

Dated this — day of —, 18—.

G. H.,	} Supervisors
J. K.,	
L. M.,	
N. O.,	} Supervisors
P. R.,	
S. T.,	

## No. 45.

Form of application to board of supervisors to establish a school-house site.

*To the board of supervisors of the town of — :*

At a regular meeting of school-district No. —, it was decided by a vote of a majority of the electors present, to apply to your honorable board to establish a school-house site for said district. The district has selected [*here describe the location of the site selected,*] but is unable to obtain the same, for the reason that the owner of the land selected, will neither lease nor sell the same to the said district, [*or that the owner is a non-resident.*]

Dated this — day of —, 18—.

[Signed.]

A. B.,  
District Clerk.

## No. 46.

Form of certificate of district clerk that the notice for the meeting of the supervisors to establish a school-house site has been given.

*To the board of supervisors of the town of — :*

I hereby certify that on the — day of —, I served the following notice upon the owner and occupant of the land therein described. [*Here insert the notice in form 47.*]

Dated this — day of —, 18—.

[Signed.]

A. B.,  
District Clerk.

NOTE.—In case there is no occupant of the lands selected for a site, and the owner is unknown or resides out of the state, the notice must be published in the nearest newspaper, for six weeks previous to the meeting of the board of supervisors, and the above certificate must state the facts of such publication, instead of personal service.

## No. 47.

Form of notice for meeting of supervisors to decide upon an application to locate a school-house site.

*To all whom it may concern :*

The undersigned will be present at — on the — day of —, at — o'clock in the — noon, to decide upon the application of school-district No.—, for the location and establishment of a school-house site for said district upon [*here describe the lands upon which it is proposed to erect the site.*]

Given under our hands this — day of —, 18—.

[Signed.]

A. B., } Supervisors  
C. D., } of the town  
E. F., } of —.

NOTE.—In case the application is made by a joint district, the supervisors of all the towns in which any part of the district is situated, must sign the above notice and be present at the meeting to locate the site.



## No. 48.

Form of certificate of action of town board of supervisors in locating and establishing a school-house site.

We hereby certify that on the — day of —, A. D. 18—, we located and established a school-house site for school-district No. —, comprising the following described territory, [*here describe the lands taken for a site according to the survey of, the same,*] and awarded the sum of — dollars in full as compensation to the owner [*if there are two or more owners of the lands taken, specifying the amount awarded to each,*] of the lands thus taken for said school house site.

Dated this — day of —, A. D., 18—

[Signed.]

A. B., } Supervisors of  
C. D., } the town of  
E. F., } ~~\_\_\_\_\_~~.

NOTE.—The certificate of the action of town board in locating and establishing an addition to a school-house site, will be the same as above, except that in the second line after the word, "established," the word, "a" will be omitted and the words, "an addition to the" will be inserted; and the last two lines will be made to read: "taken for said addition to said school-house site."

Duplicates of the above certificates must be made out, and one of them must be delivered to the owner or occupant of the land taken, and the other to the district clerk of the district, who must have the same recorded in the office of the register of deeds of the county in which the site is situated.

## No. 49.

Form of certificate of the clerk of the board of supervisors of a vacancy in the office of county superintendent of schools.

To — —, state superintendent of public instruction :

SIR—I hereby certify that a vacancy in the office of county superintendent of schools occurred on the — day of —, 18—, by [*Here state the cause of the vacancy, whether by death, resignation, removal from the county, or the removal from office of the incumbent.*]

Given under my hand and seal of office, this — day of —, A. D. 18—.

[Signed.]

A. B.  
Clerk of the board of supervisors of — county.

## No. 50.

NOTE.—The form heretofore numbered "50" is omitted, as being no longer necessary. (See section 96, as amended, page 111.)











## No. 52.

Form of statement of number of children of school age in a county, made by county superintendent for county treasurer,

To A. B., treasurer of the county of — :

SIR—The following is the number of children over the age of four and under the age of twenty years, in those districts of the several towns in this county [*or superintendent district, as the case may be*], which have maintained school for five or more months the past school year, as returned to me by the town clerks :

Town.	Number of children.	Town.	Number of children.
A .....	.....	D .....	.....
B .....	.....	E .....	.....
C .....	.....	F .....	.....

Dated this 10th day of October, A. D., 18—.

G. H.,  
County superintendent of schools for — county.

NOTE—The above statement must be filed with the county treasurer on or before the 10th day of October in each year.

## No. 53.

Form of notice to teacher and district clerk of the intention of the county superintendent to annul said teacher's certificate.

To A. B., teacher in school-district No.—, of the town of—:

SIR—You are hereby notified that it is my intention to annul the certificate of qualifications now held by you as a teacher.

C. B.,  
County superintendent of schools for — county.

To E. F., clerk of school-district No.—, of the town of—:

SIR—You are hereby notified that it is my intention to annul the certificate of qualifications held by — —, now employed in teaching in your district.

Dated this — day of —, 18—.

C. D.,  
County superintendent of schools for — county.

NOTE—The above notice must be served upon the teacher and district clerk at least ten days before the certificate is annulled.

## No. 54.

Forms of annulment of a teacher's certificate and notice to town clerk.

To A. B.:

SIR—The certificate of qualification held by you as a common school teacher in the town of [or county] of —, issued on or about the — day of —, A. D., 18—, is hereby annulled.

Dated this — day of —, A. D. 18—.

C. D.,

County superintendent of schools for — county.

NOTE—The above annulment will not take effect till the following notice has been filed with the town clerk of the town in which the teacher, whose certificate is annulled, is engaged in teaching.

To the town clerk of the town of —:

SIR—You are hereby notified that on the — day of —, A. D., 18—, I annulled the certificate of qualification held by A. B., a teacher in your town, for the reason that, in my opinion, the said A. B. does not possess the requisite qualifications as a teacher in respect to [moral character, learning, or ability to teach, as the case may be.]

Dated this — day of —, A. D., 18—.

C. D.,

County superintendent of schools for the county of —.

## FORMS FOR APPLICATION FOR DICTIONARIES.

### No. 55.

Form of application for first supply.

STATE OF WISCONSIN—county of — —ss.

—, being duly sworn deposes and says that district No. —, in the town of —, county of —, has never been supplied with Webster's Unabridged dictionary, by the state as provided for by law.

—, —,  
District Clerk.

Post-office —.

Subscribed and sworn to before me this — day of —, A. D., 18—.

—, —,  
—, —.

Send by express to —, care of — —.

## No. 56.

Form of application for dictionaries in graded schools.

STATE OF WISCONSIN, — county, ss.

—, being duly sworn, deposes and says, that the following department—in district No. —, in the — of —, in the county of —, has never been furnished with Webster's Unabridged Dictionary by the state, as provided for by law: departments unsupplied, —: departments heretofore supplied, —.

District Clerk.

Post-office—.

Sworn and subscribed to before me, }  
 this — day of —, 18—. }  
 —, }  
 —. }

Send by express to —, care of —.

## No. 57.

Form of application for dictionaries by the secretary of a town board.

STATE OF WISCONSIN—County of —, ss.

—, being duly sworn, deposes and says that the following sub-district—in the town of —, county of —, has never been supplied with Webster's Unabridged Dictionary, as provided by law: sub-districts unsupplied, —; sub-districts heretofore supplied, —.

Secretary of town board of directors.

Sworn to and subscribed before me, }  
 this — day of —, 18—. }  
 —, }  
 —. }

Post-office —.

Send by express to —, care of —.

## No. 58.

Form of application for re-supply, when dictionary previously furnished is lost.

STATE OF WISCONSIN, — county—ss.

— being duly sworn, deposes and says that, district No.



— in the town of —, county of, has lost the copy of Webster's dictionary heretofore furnished to said district by the state.

—, *District Clerk.*

Post office —.

Subscribed and sworn to before me, this — day of — A. D. 18—.

—,

—.

Send by express to —, care of —.

### No. 59.

Form of application for re-supply when dictionary previously furnished is worn out.

STATE OF WISCONSIN, — county—ss.

—, being duly sworn, deposes and says that the dictionary heretofore furnished to district No. —, in town of —, county of —, is so worn out as to be unfit for use.

—, *District Clerk.*


Post office —.


Subscribed and sworn to before me, this — day of —, A. D. 18—.


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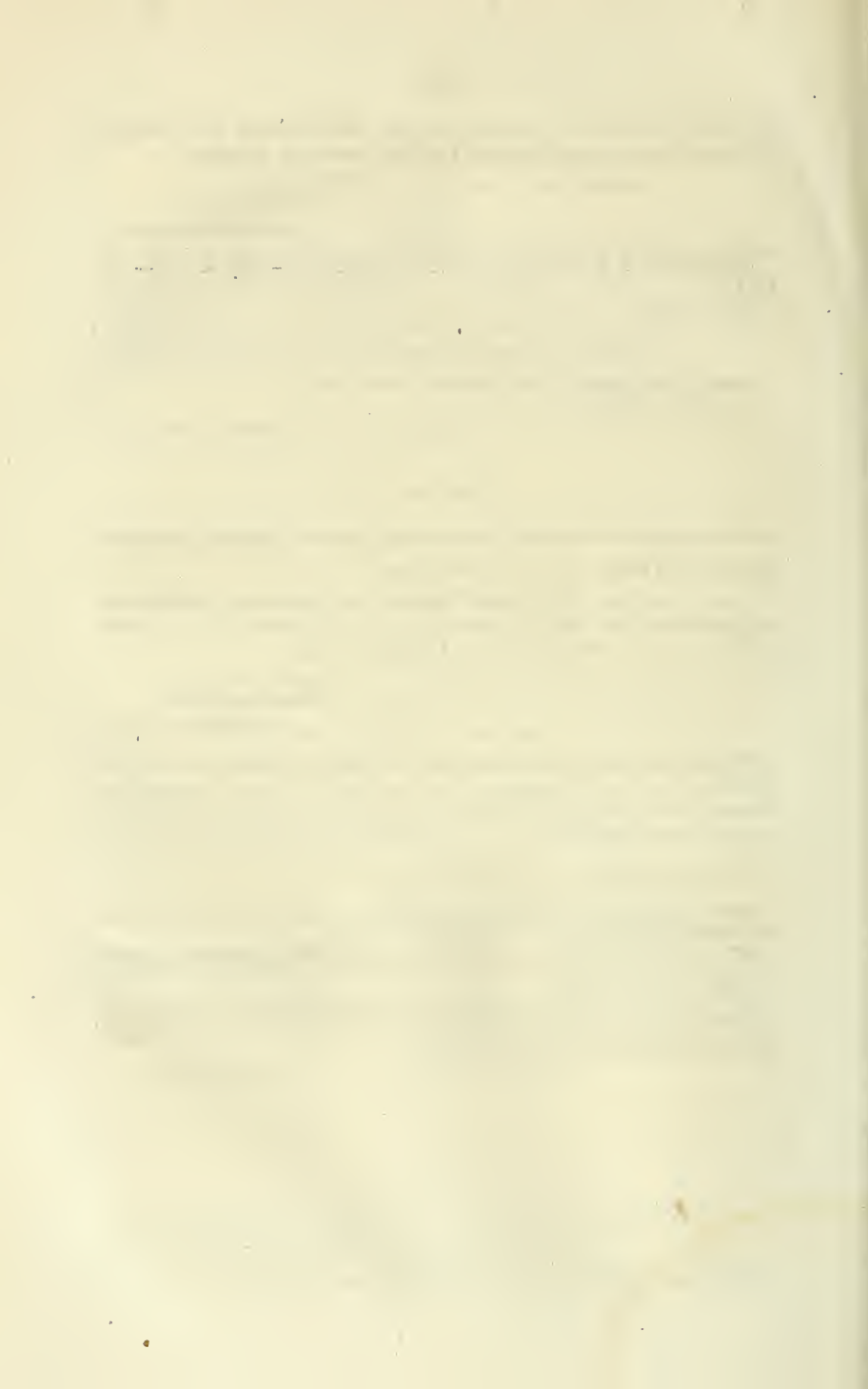
—.

Send by express to —, care of —.

 The two forms above can be altered to suit circumstances in case the application for a re-supply is for a graded school in a city or village.

 Dictionaries are not furnished free for a re-supply, but at the cost to the state. Those now on hand cost \$3. The money or a money order, or a draft must in all cases accompany the application.

 Applications for dictionaries must be made by the district clerk, the secretary of the town board, or the superintendents of the schools in a city or incorporated village, and the post office of the applicant should be given as well as the nearest express station. Dictionaries cannot be sent by mail.



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